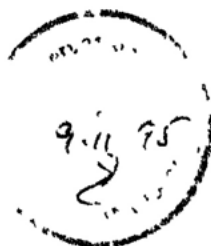


LOK SABHA DEBATES

(Second Session,

116



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LOK SABHA SECRETARIAT
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LOK SABHA DEBATES

1

2

LOK SABHA

*Saturday, July 31, 1971/
Shravana 9, 1893 (Saka)*

*The Lok Sabha met at Eleven
of the Clock*

[MR. SPEAKER in the Chair]

MESSAGE FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following message received from the Secretary of Rajya Sabha :—

"In accordance with the provisions of sub-rule(6) of rule 186 of the Rules and Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 2) Bill, 1971, which was passed by the Lok Sabha at its sitting held on the 21st July, 1971, and transmitted to the Rajya Sabha for its recommendation and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

11.02 hrs.

BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) : Sir, I rise to announce that Government

Business in this House during the week commencing from Monday, the 2nd August, 1971, will consist of the following :—

- (1) Consideration of any item of Government Business carried over from today's Order Paper.
- (2) Discussion on the Resolutions regarding constitution of a Railway Convention Committee.
- (3) Consideration and passing of the following Bills, as passed by Rajya Sabha :

The Medical Termination of Pregnancy Bill, 1971.

The Gujarat State Legislature (Delegation of Powers) Bill, 1971.

- (4) Discussion on the Resolution seeking approval of the Proclamation issued in respect of the State of Punjab and consideration and passing of the Punjab State Legislature (Delegation of Powers) Bill, 1971, as passed by Rajya Sabha.
- (5) Consideration and passing of the Indian Telegraph (Amendment) Bill, 1971 as passed by Rajya Sabha.
- (6) Consideration and passing of the Constitution (Twenty-fourth Amendment) Bill, 1971, on 3rd and 4th August 1971.

SHRI P. K. DEO (Kalahandi) : We are now at the fag end of this session. Many of us had given notice regarding the collapse of the roof of the rolling mill at Rourkela which led to loss of life. We wanted Government to make a statement on

[Shri P. K. Deo]

it, because we hear that the shop is going to be closed for six months.

MR. SPEAKER : This was discussed at the Business Advisory Committee meeting, and we shall find out some time for discussion of it.

SHRI P. K. DEO : Second point. The Minister had give an assurance that they would be bringing the Lokpal and Lokayukt Bill this session. I would like to know when it would be introduced.

SHRI RAJ BAHADUR : I am not aware of it.

SHRI P. K. DEO : On Friday, I raised this question and the Minister said he had taken note of it and it would be introduced this session. There was also a question about it.

SHRI RAJ BAHADUR : I regret I do not know about it.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, कल मैंने यह पूछा था कि क्या लोक सभा की बैठक 12 अगस्त के बाद आगे बढ़ेगी, यदि बढ़ेगी तो वह किस तारीख तक बढ़ेगी और यह कि उस हालत में मेंबरों को इस बारे में गहले से बतना दिया जाय ताकि वह उस के हिसाब से अपना कार्यक्रम बनायें।

अध्यक्ष महोदय : अभी तो बढ़ने का कोई खयाल नहीं है।

श्री राज बहादुर : आशा यही की जाती है कि 12 अगस्त को खत्म हो जायेगा।

श्री अटल बिहारी वाजपेयी : आशा है या आशंका है ?

श्री राज बहादुर : आशा भी यही है और विश्वास भी है कि 12 अगस्त को खत्म हो जायेगा।

अध्यक्ष महोदय : सब सही सलामत रहना चाहिए 12 अगस्त को लोकसभा का सेशन खत्म हो जायेगा।

SHRI P. K. DEO : Will the Minister enquire of the Home Minister when he is going to introduce the Bill on Lopal and Lokayukt ?

MR SPEAKER : He has noted the point.

11.06 hrs.

FINANCE (NO. 2) BILL, 1971—Contd.

MR. SPEAKER : Further consideration of the following motion moved by Shri Y.B. Chavan on the 30th July 1971, namely :

“That the Bill to give effect to the financial proposals of the Central Government for the financial year 1971-72 and to provide for the levy of foreign travel tax, as amended be passed.”

There are four names, and there are 50 minutes left.

SHRI JYOTIRMOY BOSU (Diamond Harbour) : I want to say a few word.

MR. SPEAKER : I will call him. Shri Vajpayee may continue his speech.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, मुझे लेद है कि कल मेरे भाषण में कुछ टोकाटोकी हुई। मैं नहीं समझता कि बांगला देश के प्रश्न पर देश में कोई बुनियादी मतभेद है। सारा देश इस बात से सहमत है कि बांगला देश मुक्त होना चाहिए और उस मुक्ति के संग्राम में हम जितना योग दे सकते हैं वह हमें देना चाहिए। मतभेद केवल इस बात को लेकर है कि बांगला देश की स्वतन्त्र सरकार को अभी मान्यता दी जाय या धटना-चक्र किस तरह से मोड़ लेता है इसकी पतीक्षा

करके हम निर्णय करे। यह मतभेद स्वाभाविक है, प्रामाणिक है लेकिन इस मतभेद के आधार पर किसी तरह का आरोप नहीं लगाया जाना चाहिए... ..

वित्त मंत्री (श्री यशवंत राव चव्हाण)
मतभेद हो सकता है लेकिन आन्दोलन नहीं होना चाहिए।

श्री अटल बिहारी वाजपेयी वित्त मंत्री जी कह रहे हैं कि आन्दोलन नहीं होना चाहिए . . .

अध्यक्ष मनोदय माननीय सदस्य वित्त विधेयक पर आगे बोलें।

श्री अटल बिहारी वाजपेयी कल की बात मैं खत्म कर रहा था। आन्दोलन के लिए मेरा कहना है कि वह इसलिए भी हो सकता है कि सरकार दुनिया से कह सके कि बंगला देश के सवाल पर जनता के धैर्य का बाध टूट रहा है। हमारी सरकार लोकतांत्रिक सरकार है और हमें जनता की बात को सुनना पड़ेगा।

श्री यशवंत राव चव्हाण पार्लियामेंट में अपना राय दे दी है तो इस आन्दोलन की क्या आवश्यकता है।

श्री अटल बिहारी वाजपेयी देखना यह है कि आन्दोलन को किस दृष्टि से देखा जाता है हमारा उद्देश्य सरकार को कमजोर करने का नहीं है। लेकिन अगर हम पर यह आरोप लगाया जाय कि हम इस सवाल को लेकर साम्प्रदायिकता फैला रहे हैं तो हमारा रुठ होना स्वाभाविक है। हम इस आरोप का खंडन करना चाहते हैं। हमने प्रयत्न किया है कि बंगला देश के प्रश्न पर किसी भी तरह की साम्प्रदायिक भावना देश में न बढ़ने पाये। मैं चाहूँगी कि अगर कोई यह आरोप लगाता है तो वह अपने आरोप को साबित करे।

हमारे लिए बंगला देश का सवाल हिन्दू मुसलमान का सवाल नहीं है। यद्यपि यह सच है कि उधर से आने वालों में से अधिकांश हिन्दू हैं, लेकिन मुसलमान भी आये हैं और पहली बार बंगला देश के मुसलमान श्री जिन्ना के दो राष्ट्रीय के मित्रानों के खिलाफ लड़ रहे हैं और हम उसका स्वागत करते हैं। हम इसलिए बंगला देश की मुक्ति चाहते हैं कि अगर एक बार बंगला देश मुक्त हो जाय तो साम्प्रदायिक समस्या दूर समय के लिए हल हो सकती है। जम्मू काश्मीर का मामला भी अपनी सार्वभौमिकता से सक्ता है। इस भूखंड का इतिहास बदल सकता है। विगत 24 साल में जो समस्या हमारे लिए सिर दर्द बनी रही है वह समस्या हल हो सकती है। लेकिन शायद हम सरकार के आशावाद में सहमति नहीं हो पा रहे हैं और इसीलिए जनमत को जगाना और उसका शान्तिपूर्ण ढंग से प्रतीकरण करना चाह रहे हैं। ऐसा करना तो लोकतंत्र में स्वाभाविक अधिकार है और उस पर किसी को आपत्ति नहीं होनी चाहिए।

लेकिन मैं श्री चव्हाण के ध्यान में एक बात लाना चाहता हूँ। एक जलूस निकला जो प्रधान मंत्री के निवास स्थान पर गया। उस जलूस में नारा लगाया गया कि श्री गोलवलकर को फाँसी देनी चाहिये। यह नारा लगाया गया। क्या इस तरह का नारा लगाना उचित है? जल्द ही को उन्मोचन देने, हिंसा के लिये लोगों को भड़काने का अगर कोई अपराध करना है तो उस पर आप मुकदमा चलाइये, सजा दीजिये।

श्री शंकर बहाल शर्मा (भोपाल) सज्जत क्या है कि इस तरह का नारा लगाया गया ?

श्री अटल बिहारी वाजपेयी आप खण्डन कीजिये। मैं कहूँगी कि इस का खण्डन किया जाये। लेकिन आप को क्या मालूम है कि यह

(श्री अटल बिहारी वाजपेयी)

नारा नहीं लगाया गया ? मैंने उन लोगों से बात की जिन्होंने यह नारा सुना। आप वहां नहीं थे। जिन्होंने यह नारा सुना

श्री शंकर दयाल शर्मा : लोगो ने आप से कहा, लेकिन मैं तो था। इस तरह का नारा नहीं लगा।

श्री अटल बिहारी वाजपेयी : मेरा निवेदन है कि आप पता लगा लीजिये। आप प्रधान मंत्री के घर पर होंगे। लेकिन जिस रास्ते पर जुलूस गया क्या आप उस सारे रास्ते पर मौजूद थे ? मुझे बड़ी खुशी होगी अगर इस तरह का नारा नहीं लगा।

श्री एच के एल भगत (पूर्व दिल्ली) : मैंने इतने जुलूस के रास्ते पर कई जगह उस उसको देखा और कई जगह सुना यह गलत बात है, इस किस्म के नारे नहीं लगाये गये। वाजपेयी जी को गलत इत्तला दी गई है। हा जनसंघ और आर एम एम के खिलाफ नारे लगाये गये और जरूर लगेंगे।

श्री एस ए शमीम (श्रीनगर) : नारे लगाने से क्या होता है, वीनस को फासी देता है ?

श्री अटल बिहारी वाजपेयी : नारा लगाना गलत है। यह देना है, अगर कल शेख अब्दुल्ला को फासी देने के नारे गये तो शमीम साहब को जरूर डरा जाएगा।

श्री एस ए शमीम : चढ़ा दीजिये, अगर फांसी डग की इजाजत देता है।

श्री अटल बिहारी वाजपेयी : कोई नहीं चढ़ा सकता अगर इस तरह के नारे लगाना वातावरण को बिगाड़ना है। वह कहते हैं कि दोनों को चढ़ा दीजिये। मेरा कहना है कि आप को चढ़ा दीजिये।

संसदीय कार्य तथा नीबहन और परिवहन मंत्री (श्री राज बहादुर) : मैं निवेदन करना चाहता हूँ कि इस तरह के नारों के लिये न तो सरकार की तरफ से प्रोत्साहन है और न अनुमति है। (अवधान)

SHRI S. A. SHAMIM : If the law provides that anybody can be hanged, (Interruption) you hang Shamim and Vajpayee

श्री अटल बिहारी वाजपेयी : अब मैं अधिक मामलों पर ध्यान चाहता हूँ। मैं अधिक समय नहीं लूंगा।

इस बात को सभी स्वीकार करेंगे कि तीव्र गति से हमारी आर्थिक प्रगति हो, इस का प्रबन्ध किया जाना चाहिये। इस के लिये ऐसा वातावरण बनाने की जिस में उत्पादन बढ़ सके वितरण में समानता आ सके और उपभोग में लोग समय से काम ले सकें, आवश्यकता है। हर बजट को और हर कर प्रस्ताव को इसी कसौटी पर कसा जायेगा की क्या उस से उत्पादन बढ़ना है, क्या वितरण में समानता आती है और तीसरी बात यह कि क्या हम देश में ऐसा वातावरण बना सकते हैं कि लोग जितना कमाते हैं उतना खर्च न करें, उस में से बचाये और उसे राष्ट्र की समृद्धि में लगाये। अगर इस कसौटी पर सरकार की आर्थिक नीतियां कसी जाये तो मुझे लगता है कि उनमें पर्याप्त सुधार की गुंजाइश है।

मैं वित्त मंत्री की कठिनाई को समझ सकता हूँ। विकास की आवश्यकता अधिक धन की मांग करती है। राज्य सरकारें अधिक टैक्स लगाने के लिये तैयार नहीं हैं, वे केन्द्र से कर्जा लेकर अपना काम चलाना चाहती हैं, वहां कोई वित्तीय अनुशासना नहीं है। यह सारा बोझ केन्द्र को उठाना पड़ेगा और केन्द्रीय सरकार कठिनाई में पड़ेगी। इस लिये

मैं समझता और इस सुझाव को दोहराना चाहता हूँ कि राज्यों को निदेश दिया जाना चाहिये...संविधान के अन्तर्गत केन्द्र इन राज्यों को निदेश दे सकता है कि वह अपने साधनों के अन्तर्गत अपने खर्च को चलायें, केन्द्र के कर्जों पर उन्हें निर्भर नहीं रहना चाहिये। विशेष परिस्थितियों में कर्जा दिया जा सकता है, लेकिन कर्जा ले कर अपना काम चलाना वह उन का स्वभाव नहीं बनना चाहिये। अपवाद रूप में कर्जा ले कर वह किसी विशेष परिस्थिति का सामना करने के लिये प्रस्तुत हो तो उस का विरोध नहीं किया जा सकता।

दूसरी बात यह है कि देश में सादगी और सम्पत्ति को उड़ाने के बजाय उसे उत्पादक कार्यों में लगाने का वातावरण बनाना चाहिये। मैं नहीं जानता वित्त मंत्री महोदय इस से कहा तक सहमत होंगे लेकिन आज देश में समाजवाद की चर्चा बहुत होती है। लोगों का समाजवाद की ओर देखने का दृष्टिकोण विकृत हो गया है। लोग हमें क्या मिलता है इस ओर ज्यादा ध्यान देने हैं, हम कितना खर्च करते हैं इस ओर ध्यान देते हैं, जब कि समाजवाद बिना उत्पादन बढ़ाये, बिना सम्पत्ति की अभिवृद्धि किमें और बिना उस के समान वितरण के नहीं आ सकता। गरीबी बाटने का नाम समाजवाद नहीं हो सकता। हम गरीबी को बाट सकते हैं, लेकिन अगर देश की गरीबी को दूर करना है तो समृद्धि बढ़नी चाहिये लोग जितना कमाते हैं उस को खर्च न करे, उस में से बचाये।

जब इस कसौटी पर हम कर प्रस्तावों को कसते हैं तो मुझे लगता है कि वित्त मंत्री महोदय कर लगाते समय कुछ बातों पर विचार कर सकते थे। होता-यह है कि जो वित्त मंत्री को सलाह देने वाले लोग हैं वह चार पांच सी चीजों की लिस्ट वित्त मंत्री के सामने रख

देते हैं और कहते हैं कि आप चुन लीजिये कि किस पर टैक्स लगाना है, किस पर एक्साइज ड्यूटी बढ़ानी है। अब वित्त मंत्री किसी पर अपनी नजर डालते हैं और कोई उनकी कृपा से बंचित रह जाता है, कोई उन की कठोर दृष्टि में फस जाता है कोई छूट जाता है हम में कभी कभी गलती की गुजाइश रहती है। उदाहरण के लिये छोटे उद्योग हैं। मैं जानता हूँ कि उस में कठिनाई है। माल्वेट आयल का प्रश्न है, नट दोल्ट बनाने के छोटे उद्योग का मामला है, कहीं पर तो रेखा खींचनी पड़ेगी जहाँ पर छोटे उद्योगों को राहत देनी पड़ेगी और बड़े उद्योगों पर बोझ बढ़ाना होगा। जैसे अभी उन पर एक्साइज ड्यूटी लगाई गई। लुधियाने के लोग मेरे पास आये और कहने लगे कि एक ऊन घटिया है और एक ऊन बढ़िया है। अगर ऐड वेलोरेम ड्यूटी बढ़ा दी गई तो घटिया ऊन पर भी वह ड्यूटी देनी पड़ेगी।

मैं मानता हूँ कि वित्त मंत्री महोदय ने इन सारे सुझावों पर विचार किया है। कल उन्होंने कहा कि वह प्रेशर कुकर के बारे में सोच रहे हैं। बैचेलर्स के लिये प्रेशर कुकर बहुत जरूरी है। उस दिन वित्त मंत्री कह रहे थे कि बैचेलर्स को प्रेशर कुकर से क्या मतलब है। बात उल्टी है घर में कोई पकानेवाला नहीं है तो प्रेशर कुकर पर जल्दी खाना पक जाता है और घुआ, कालिख, कालोच से भी बचा जा सकता है। लेकिन मैं जानना चाहता हूँ कि प्रेशर कुकर के बारे में वह घोषणा कहा करने वाले हैं।

अध्यक्ष महोदय : आप को कहाँ वक्ता मिलता होगा ?

* श्री अटल बिहारी वाजपेयी : अगर खाने का वक्ता निकालना पड़ता है तो पकाने के लिये भी वक्ता निकालना पड़ता है। अगर वित्त मंत्री

(श्री अटल बिहारी वाजपेयी)

ने अपना दिमाग बना लिया है तो वह यहां घोषणा कर दें, और अगर वह उस को राज्य सभा के लिये सुरक्षित रखना चाहते हैं तो मुझे कोई आपत्ति नहीं है। लेकिन प्रशंश कुकर के बारे में, छोटे उद्योगों को राहत देने के बारे में जरूर घोषणा हानी चाहिये। राहत देने के बारे में और कर पद्धति को सरल बनाने के बारे में कुछ कदम हम देश में उठाये गए हैं, मगर मैं वित्त मंत्री जी से यह प्रार्थना नहीं करता कि वह निभकते हुए, सहमते हुए, संकोच करते हुए कदम उठावें। उन को जरा हिम्मत से कदम उठाना चाहिए। ऊंची आमदनी के मामलों में अगर टैक्स का बोझ इतना ज्यादा हों कि ईमानदारी से कमाया कमाने के बजाय वैदेशी से थोड़ा टैक्स बुराना ज्यादा लाभप्रद हो जाय तो उससे कर अपवर्जन, कर की चोरी बढ़ेगी। इस दृष्टि से मारे प्रश्न को देखने की आवश्यकता है।

मुझे डर है कि सप्टिमेंट्री बजट आने वाला है और नए टैक्स बढ़ने वाले हैं। मगर मैं वित्त मंत्री को एक सुझाव देना चाहता हूँ। अगर शरणार्थी लोगों के बोझ से निपटने के लिये टैक्स लगाना हो, तो एकमात्र इयूटी या कस्टम इयूटी के बजाय एक लेवी लगाई जा सकती है, जो खाली शरणार्थियों के लिये हो। जब तक उन का बोझ हमारे देश के ऊपर है तब तक के लिए अगर इस लेवी को लगाने का विचार किया गया तो देश में विरोध नहीं होगा और जनता को ऐसी लेवी देने के लिये प्रेरित किया जा सकता है। हम भी उस में कह सकते हैं कि हमारे भाई आये हैं, थोड़े काल के लिए आए हैं, उन की मदद करना हमारा कर्तव्य है, हमारा धर्म है, हम उनका बोझ उठाने के लिए तैयार हैं, मगर अगर सरकार और टैक्स लगायेगी, नान

प्लैन्ड एक्सपेंडिचर बढ़ाने के लिये टैक्स लगायेगी और शरणार्थियों के आगमन का बढ़ाना बनायेगी तो विरोध होगा और मैं चाहता हूँ कि वित्त मंत्री महोदय इस सुझाव पर गम्भीरता से विचार करें।

*SHRI T. V. CHANDRASHEKHAR RAO VEEERABASAPPA (Shimoga) : Mr. Speaker, Sir, while supporting the Finance Bill, I would like to make a few points for the consideration of the Hon. Finance Minister.

As per his estimates, the deficit in the Budget for 1971-72 has now gone upto Rs. 235 crores due to certain concessions announced by him. We have to see how we can narrow down this deficit to avoid inflationary pressures on our economy. For this purpose Government have to exercise strict control over expenditure and have better financial discipline.

At present, Government have invested about Rs. 4000 crores in the various public undertakings. Unfortunately the return from the investment is only about 4%. A large majority of them have been incurring losses year after year. Government should institute a thorough inquiry into the working of these units and take stringent and effective steps to make them economically viable units by augmenting production thereby getting them out of the red.

As per official estimates, the income tax arrears alone amount to about Rs. 500 crores. There are about 4000 individual cases with arrears of income tax amounting of more than one lakh each. They are all rich industrialists concentrated in the cities of Bombay, Calcutta, Madras and Delhi. Government should take stringent measures to recover this amount as quickly as possible. If even half of the estimated amount of arrears of income tax is recovered during the current year, the existing deficit of Rs. 235 crores would be wiped out. The existing laws are comprehensive enough to take stringent measures against the income tax evaders and defaulters, but they are not being strictly enforced. Hence the tax collecting machinery should be streamlined and strengthened and the income tax

officers should be held personally responsible for the non-recovery of tax as the accumulation of arrears is mainly due to their laxity. I would therefore urge the hon. Finance Minister to take action against such delinquent officers. I would also request the hon. Finance Minister to take a personal interest in the matter.

Lastly I would like to state that there is great scope for effecting economy in non-Plan expenditure. At present the Government is spending heavily on non Plan projects under this head. By reducing the infructuous expenditure through enforcing a strict financial discipline in the sphere, it would be possible to save funds for developmental purposes. For instance use of imported staff cars by the Ministries which have been obtained through S. T. C. should be stopped. Like wise there are many avenues where such avoidable expenditure could be done away with.

If these suggestions of mine are heeded, it would be possible for the Government to wipe out the deficit before the next budget and have a surplus also. Otherwise the deficit would be increasing year by year with the various problems facing us.

I sincerely hope that the hon. Finance Minister would take suitable steps in this regard. With these words I conclude.

***SHRI J. M. GOWDER (Nilgiris) :** Mr. Speaker, Sir, I am grateful to you for giving me an opportunity to say a few words at the third reading stage of the Finance Bill.

Sir, I am unfortunately unable to entertain any hope that through this Finance Bill, which gives legal backing to the budgetary proposals of the Central Government, the Government will be able to usher in an era of egalitarian society in our country. When the ruling Congress Party hurried to the hustings early this year, from the ordinary Congress worker at the lowest level of the organisation to the Prime Minister at the top, everyone while requesting the people to cast their votes in favour of the ruling party, assured them* that once they were seated in power they

would immediately and earnestly work for the removal of economic disparities and for ensuring economic equality which is the foundation for building a truly socialistic society. Now the great Elections are over and the ruling Party has romped home with an overwhelming majority. It has been bestowed with the people's verdict to rule the country according to the assurances given to them during the elections.

If you analyse the provisions of the Finance Bill and the accompanying Budget proposals, you will find that the Government have not proposed a single positive step to translate their promise to the people into action. The attitude of the Government seems to be that what is there for them to do especially when the elections have returned them to power for a term of five years. I may be permitted to state that intoxication of absolute power has led them to adopt this supine attitude.

You are aware Sir, that during all these years the rich are becoming richer in our country. I will give you an example to illustrate my point. In the year 1963, the total capital investment of Birlas was Rs. 290 crores. But it has gone upto Rs. 510 crores in 1967-68. In a short span of four years, one individual has been enabled to increase his capital by Rs. 220 crores. What have the Government done to curb the unhealthy growth of monopoly capital in our country?

Forgetting this for a moment, if you look into the activities of the Government, you will find that, in order to perpetuate the memory of Mahatma Gandhi, they are going to acquire the Birla House where a memorial to Mahatmaji is proposed to be put up. The nauseating part of this proposal is that the Government intend giving a compensation of Rs. 52 lakhs to Birlas. For Birlas who was pitilessly exploited the country for four years and enhanced their capital by Rs. 220 crores. If you give Rs. 52 lakhs, what will be the reaction of the poor people? Have the Government ever given thought to this question? Will the Birlas go down the drain if they are not given this amount of

*The Original Speech was delivered in Tamil.

[Shri J. M. Gowder]

Rs. 52 lakhs as a compensation to their House which was sanctified by the Father of the Nation ?

If the Government are going to proceed on this path, I wonder how many decades they will take to raise the standard of living of our countrymen. I also do not know how long they will dilly—dally with their programme of nationalising the monopoly industrial concerns which are being worked against the interests of the nation.

Instead of initiating action for arresting the growth of monopoly capital in our country, the Finance Minister has thought it fit to tax *misra* and coarse cloth, the commodities of common man. The very idea of taxing such commodities which are consumed by common man is obnoxious to me. Only when the whole House, irrespective of party affiliations, was up against him, he agreed to withdraw those taxes. I am tempted to think that because during the elections the common man was on the lips of high and low in the ruling party, the commonman's commodities perhaps came to the forefront in the framing of Central Budget. The poor people have been paid back in the form of taxes for reposing faith in the ruling party. With this approach to the problems of poor people, how long this Government will be able to rule the country ? If the Government continue to neglect the basic problems of common people, I would like to warn that there is a limit even to the assinine patience of poor people. If they are continued to be harassed by thoughtless policy of the Government, the Government will have to reckon with the day when they will rise in revolt.

For two centuries the British ruled this country with their iron fist and swindled the country's wealth for the prosperity of their homeland. The people ultimately rose up as one man and the tumultuous QUIT INDIA movement forced them to leave this country for good. I am sorry to state that the Congress Government in some respects behave much worse than predecessors. The Government policies smack of imperialistic overtones. I have no hesitation in saying that the people will in

no time throw this Government into the dustbin of history, as they had done it in the case of British rulers. I would appeal to the Government not to precipitate this kind of unceremonious exit by their policies lacking in far sightedness. Please do not neglect the interests of poor people.

The Government get enormous amounts of foreign loans. I would like to ask : are these moneys spent properly in this country ? The people have given the Government the strength of a giant. The Government are in the supreme position of enacting any kind of legislation for the welfare of the people. They have more than required two-thirds majority for amending even the Constitution. But, what do we see ? Are they directing their energies in the right direction ? No. All the while, the Central Government are concerned with how to topple a State Government which is in the hands of an opposition party. Take the case of West Bengal, Bihar, Uttar Pradesh, Punjab, Gujarat and Mysore. In Mysore State, during the elections to Parliament, the ruling Congress Party got all the seats they contested—100% return. Still, the Central Government successfully ousted the State Government ruled by an opposition Party and the Presidential rule has been imposed. It seems that the Central Government are determined not to allow any opposition party to have an opportunity to rule a State even if the people of the State do not hesitate to return such a party to power. How do you expect democracy to flourish in our country ? Is there democracy or central autocracy in our Country ? The ruling party wants to perpetuate itself in power for ever with the consequence, even though we are committed to the establishment of a democratic socialist state, the smaller parties are nipped in the bud. What happens after the State Government are thrown overboard ? Immediately, mind-term poll is ordered, irrespective of colossal expenditure involved in that. You are aware that we require lakhs and crores of rupees for conducting mid-term polls. Whose money the Central Government are spending for satisfying their whims and fancies ? It is the people's money and the foreign money they obtain on behalf of the people. I would say that Government are playing with fire and it may not be long they will be enveloped in that.

Shri, 24 years after the British left this country, 24 year after our Independence, we are still in the stage of talking about the necessity for establishing a socialist society in our country. Are the Government trying to practise what they preach? Have they ever tried to assess the temper of the people when the commonly used goods are taxed disproportionately? As was pointed out by my hon. friend, Shri Vajpayee, the people have stayed using Pressure Cooker and immediately it has not come under heavy taxation. The hon. Finance Minister has not conceded the unanimous demand of the Members to withdraw this tax on pressure cooker. Is this the way to raise the standard of living of our people? What is the tax income that the Government are going to get from the pressure cookers? It is a paltry sum. Similarly, vacuum flask has taxed in this budget. This is used by the low-paid employees in the Government. They carry coffee or tea to their place of work as they are not able to have it from outside. The lower division clerks and upper division clerks use vacuum flask. But that has been taxed. Such taxes can be easily avoided, if the Government try to exercise economy in administrative expenditure, which is too heavy for a developing country.

I have no objection to the taxation proposals of the Government. But the Tax burden should be placed on the shoulders which can bear. You impose heavy taxes on the capitalists and monopoly industrialists to raise your resources. The Government have been empowered by the people to nationalise monopoly industrial concerns. The primary motive of the Government should be to give relief to the poor people who are in perennial distress. Instead of constantly engaging in the game of toppling State Governments, if the Government begin to cogitate over the problems of the poor people and try to lift them from the quagmire of poverty and penury, then they have the legitimate right to rule the Country; otherwise, the people will condemn this Government to eternal ignominy. With these few words, I conclude.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, what is the performance of this Government? If we start from one end let us look at the country's debt—parti-

cularly the foreign debt. There are conflicting figures. We hear sometimes 800 crores; sometimes we hear 1,000 crores. But this much we know, that every individual Indian, whether he is aged one day or 90 years, is a debtor to foreigners to the tune of Rs. 20 to Rs. 30. That is the performance of this country in the last 23 years.

This foreign debt is going to kill us. I know, last year you had been paying 42 per cent of your entire export earning as interest and servicing charges of the foreign money in this country. That is going to increase gradually and in course of time, as Mr. McNamara, the World Bank Chief, had said, it could even touch the extent of 100 per cent. Shri Chavan should tell us when he replies what are the things they have done to prevent some of these evils.

From the very day I came to this House in 1967 I have been nattering about, to put it colloquially, or talking about this underinvoicing and overinvoicing. This country loses nothing short of Rs. 400 crores to Rs. 500 crores in foreign exchange every year. Not only is the loss in foreign exchange but the loss is also in the shape of internal revenue, payment of dividend to shareholders, tax to the exchequer and payment to workers.

They have been resisting it and giving all sorts of fanciful figures. I am glad to see that Shri Ganesh has now given to us a figure somewhere near the mark. He has admitted that underinvoicing and overinvoicing totals about Rs. 400 crores a year. I am saying it is more than that.

We have even detected overinvoicing to the tune of 150 times, not per cent. An invoice of leather, which was valued at just a little over Rs. 1 lakh, was invoiced at Rs. 1,49,00,000. So, it is 150 times overinvoicing. Similar is the case with underinvoicing.

You cannot disturb them because your foreign monopoly masters will be angry and you will be thrown out of power. So, you allow them to plunder this country. That is why you have brought this country to this condition today.

[Shri Jyotirmoy Bosu]

Shri Morarji Desai, when he was Finance Minister, had spoken about setting up detective agencies in ports of shipment and in different countries. An elaborate machinery was talked about. I talked to him in the lobby because I am very much interested in this. But so far they have done nothing to make a physical verification of the material and the value. Underinvoicing and overinvoicing is done on various counts on cash, on quality, on quantity, in every sphere. I can sit with Shri Chavan if he wants to know more about it.

SHRI YLSHWANTRAO CHAVAN : You are welcome.

SHRI JYOTIRMOY BOSU : What about the financial condition of the States ? In the last 23 years on the authority of this Constitution and the performance of the Central Government, the terrific over-energetic action of the Central Government in controlling the entire economy and finances of this country, they have made the State Governments nothing more than municipal offices.

I will quote from a very recent quotation from the *Hindustan Standard* dated the 23rd July in the year of Grace 1971. It says :—

"States' debts to the Centre stood at Rs. 6,342.59 crores at the end of March, 1971 rising from a mere Rs. 62 crores in the first fiscal year after independence."

What have you done to the States ? This is a country which is a federation of States. If the States are debtor to the Centre to such an extent and if the Centre in return is a debtor to the world and the people everywhere, the whole picture is very, very gloomy. It shows your class character. It shows to whom you owe your allegiance. It shows your efficiency and performance, which is very, very miserable.

Just now Shri Vajpayee had talked about Shri Golwalkar. I did not want to butt in, but since this is a very interesting matter, I would say that his cadre at the bottom

does not know that there is an undercurrent of friendship between the leadership that side and Shri Golwalkar. Otherwise who will accept it that Mr. Hansraj Gupta who was arrested after Gandhi murder and who only the other day in Delhi, in a public meeting, said that communists should be sent to Russia and Muslims to Mecca has been given Padma Bhushan.....

SHRI ATAL BIHARI VAJPAYEE : That is not correct.

SHRI JYOTIRMOY BOSU : You can dispute it. There is a great under-current of friendship. We know these things. The cadre does not know. Let the cadre know. So, the quarrel is superficial. We do understand it.

Now, Mr. Vajpayee talked about levies on the common man for meeting additional, supplementary, budget that may come. I want to ask Mr. Chavan, where is the common man and wherefrom are you going to find money ? In this country, the more I am seeing as a Member of the Unemployment Committee, I am getting wonderstruck and I can tell you, every third man is unemployed in some form or other partially or wholly. Who is going to pay ? You do not want to touch the corporate sector.

About income-tax arrears, the monopoly masters of the ruling party, those who have been given sackful of money to come back to power, those who have kept them in power, owe to the public exchequer nothing short of Rs. 841 crores. I am quoting from the Report of the Comptroller and Auditor General of India for 1969-70 about gross and net tax arrears as on 31st March, 1970 which contains startling statistics. The report reveals that the gross tax arrears amounted to a staggering figure of about Rs. 960 crores of which 82 per cent was due to tax arrears on personal and corporate income. What is your class character ? What is it that you want us to believe ? You want to impose a levy on the poor ?

MR. SPEAKER : May I request you not to treat the other side as in the dock ? You address the Chair in a parliamentary form.

SHRI JYOTIRMOY BOSU : I stand corrected. May I, through you, Sir, ask them to tell us convincingly what is their class character when they have allowed these defaulters Rs. 860 crores of tax arrear which are to come from personal and corporate sector? They want to tax maida and pressure cooker; they want to tax soap and coarse cloth. But Rs. 860 crores cannot be touched.

If they have to get money, I strongly suggest that first of all they should get most out of the corporate sector, then the export of raw materials like iron ores, etc. You must consider to raise the exemption limit because, by your performance, the cost of living has touched the sky. A man drawing Rs. 700 a month is nothing at all. He cannot buy two meals for himself and a family of three. Mr. Chavan, you know better than I do.

What is the class character of the Government? They talk of socialism in one breath and go before the Car Prices Commission and plead for enhancement of car prices for Birlas. I am talking about the present Education Minister who has been all along pleading for the Birlas before the Car Prices Commission so that car prices are enhanced.

What are these foreign monopolists and Indian monopolists doing? One single British company had a turn-over of Rs. 170 crores in one year controlling the entire tobacco industry. You want to allow expansion. They have been producing more than their licensed capacity. Again, to one of the subsidiaries, the Wazir Sultan Tobacco Co., because they are heavily subscribing to election funds, you want to increase the licensing capacity. That is what it is. That is your *samajwad*.

You have been talking about demonetisation.

But they dare not do it because if you go for demonetisation, your Party office will all be closed down and money would not come. What you have got in the last elections—Rs. 50-60 crores—that has all come out of block money. So, demonetisation is out of question.

MR. SPEAKER : The hon. Member's time is up.

SHRI JYOTIRMOY BOSU : Sir, I am the principal Opposition Member. I would require another ten minutes.

MR. SPEAKER : No, no. I told the House in the very beginning that the remaining time is 50 minutes. It is already over and the Minister will take 10 or 15 minutes. How much time will you require?

SHRI YESHWANTRAO CHAVAN : It depends on the speeches.

SHRI JYOTIRMOY BOSU : I will sit down if you want.

MR. SPEAKER : Only two or three minutes more. All Parties had exhausted their time. The time was left with their Parties. They have taken much more time than allotted.

SHRI JYOTIRMOY BOSU : You are a Congressman.....

MR. SPEAKER : I was. I fought on it but I am not a Congressman while sitting here. Outside, I am.

SHRI JYOTIRMOY BOSU : I make an appeal. I have to speak slowly, not in my usual speed. That is why I want a little more time.

Why is there this rising cost of living to-day?

I have been talking to one of the producers. Quite often he travels in trains or planes. So, we talk. The man said, 'I had to part with Rs. 5 lakhs in lieu of that I have got some concessions before the elections.'

AN HON. MEMBER : Who is that man?

SHRI JYOTIRMOY BOSU : I cannot say.

SHRI ATAL BIHARI VAJPAYEE : What type of concession did he get?

SHRI JYOTIRMOY BOSU : Wait a minute. He is a business man in the private sector. He wants his money back with compound interest. As a result, the cost of living goes up. Who does not know.

What happened to steel ? The controlled price of steel in the market is Rs. 800 per tonne. What is the controlled price of steel sheets ? Rs. 1200 per tonne. But it is selling in the market at Rs. 3000, 3600, 4000 and 4500. The entire money is not devoured by the producer or the middle man alone. A little of that came here also. So, he has been justified.

You go to Ludhiana. Mr. Speaker, you should know also. The woollen merchants of Ludhiana are grumbling. They have been made to pay 4½ lakhs of rupees. I have got phone calls. I have got letters. So, naturally, 3X40-120 lakhs they would like to get back. Who will pay that ? Mr. Jagannatha Rao goes to buy a pull-over. So he has to pay more for his pull-over not Mr. Chavan.

What about the *bakshees* of mini steel plants to the private sector ? Your Industrial Policy Resolution said that the iron and steel industry should be entirely in the public sector. But you have forgotten about it. Your resolution of not giving fertiliser licences to private sector in the Fourth Plan you have forgotten about it. What is it for ? For love, love of the monopolists.

Then the Rs. 60 lakhs scandal of the State Bank of India. It is the left over, the residual deposit money out of the Rs. 60 70 crores. The strong room of the State Bank of India was used. Poor Nagarwala, I am told, is an excellent Central Intelligence man. As it is a court case, I don't want to say much about that.

Had it happened in a civilised country, had it happened in Britain, the Ministry would have been compelled to make a clean breast of the whole thing or resign. This is a clear case of fraud. This is a clear case of dishonest and black money. This is a clear case on the part of the Government and the Prime Minister... (Interruptions) Mr. Chavan took only 20 days to reply to the simple letter regarding procedure because books of accounts had to be cooked.

We know these things. I have been a commercial executive in my life. So, I know how things are done.

MR. SPEAKER : May I tell you, the case is in the court ?

SHRI JYOTIRMOY BOSU : Sir, I have not said a word about the case ; I say about Mr. Chavan. We have seen the trial Sir. We have seen the trial for two minutes. Now I talk about another trial, the trial of the owners of Basumati. A sitting Member of this House, a former Law Minister was caught with 22 lakhs of black money earned. But he was a Law Minister; a Congressman. A CBI enquiry started in May 1968, 1969 to 1970 gone ; 1970 to 1971 also has gone ; the enquiry is still not completed, because, the man cannot be exposed. He is still voting for you and so he cannot be exposed. We are speaking so much about raid on lockers, Ministers' corruption and all that. We want to know this. Mr. Chavan must give us a categorical reply. What happened to Mr. Sukhladia's case. We want to have a categorical reply. May I know if you have taken action in the case of racket of the brother-in law for Shri Bali Ram Bhagat and somebody else ?

MR. SPEAKER : No name should be given. There is a procedure to be followed in the House.

SHRI JYOTIRMOY BOSU : I withdraw the name. (Interruption)

MR. SPEAKER : Order, please. May I request you one thing ? There is a procedure in the House. If you give names you should give advance notice. Without that if you give name, the person is not here to defend himself. There are certain rules and procedures laid down here. You say something and then say, 'I withdraw the name'. But, you mentioned it. Tomorrow somebody else will come on you and on the others.

SHRI JYOTIRMOY BOSU : I have already sent it to your secretariat. I have got paper cuttings ; I will send them to you on Monday. If you see them, you will be satisfied. Then, Sir, in West Bengal, what happened ?

MR. SPEAKER : May I remind you that this is the Third Reading of this Bill ?

SHRI JYOTIRMOY BOSU : We are giving the money here. West Bengal is faced with the acute problem of employment to the greatest extent. Yet, in the Plan allocations, it has received the lowest. I am quoting from a Congressman-owned paper. The per capita per head allocation made at the national level was Rs. 61 for the period 1968-69, but in this regard, for West Bengal, that amount is only Rs. 38. West Bengal is the worst sufferer because of unemployment. Then about steel what happened? West Bengal demanded 1,23,000 tonnes of steel for their industries ; they were given only 14,530 tonnes of steel, not more than 9 per cent. Yet, Mr. Chavan is shedding bucketfuls of crocodile tears all the time.

About Bangla Desh much has been said; I don't want to say much. On the one hand they are using the police for beating up the people, the common man, the starving population. On the other hand they are repressing the police. They have even dismissed 18 Delhi policemen. Mr. Chavan, when he was Home Minister, clearly and categorically said on the floor of the House that no vindictive action will be taken, no repressive action will be taken. But you have done this. Today what are you doing ? You are bringing up another set of people, the CRP, who are beating up foreigners in Connaught Circus. This is poor administration...

MR. SPEAKER : May I request you to conclude ?

SHRI JOYTIRMOY BOSU : I am just concluding in half a minute. In Calcutta, what is the police doing? They had arrested three persons under the PVA. They happened to be the staff of a cancer hospital at Chandernagore. Then we brought pressure on Government and told them that they could not do it, because those three people had not done anything and the hospital had to be closed because of them. Then, they were released. Now the Police have come to the main hospital in Calcutta, the Chittaranjan Cancer Hospital at Howanipur where 15 policemen had trespassed and forcibly got inside. They wanted to break

the lock of the cobalt therapy room. It is a very risky place, because of radio-activity apprehension. There is lead-sheet covering the whole room, the ceiling and to the walls. They wanted to open it and force their way in. They then went to the lady doctor or house surgeon's rooms, and focussed their torch there at the time of dawn and so on. This is what is happening in West Bengal today. They want to rehabilitate themselves with the help of the police bullets and the police bayonets. I say, let them come and face the people, and face through the elections, not by toppling and horse-trading and police bullets because these have ruined them and will ruin them further.

MR. SPEAKER : Now, the hon. Finance Minister.

SHRI S. M. BANERJEE (Kanpur) : Could we have two or three minutes ?

MR. SPEAKER : We have already gone much beyond the time allotted.

SHRI S. M. BANERJEE : Nobody has spoken from our party.

MR. SPEAKER : They have spoken.

SHRI S. M. BANERJEE : Nobody has spoken in the third reading.

MR. SPEAKER : All the time was taken together for all the stages. In fact, his party got double the time to which it was entitled.

SHRI S. M. BANERJEE : Nobody has spoken in the third reading from our party.

MR. SPEAKER : The total time was allotted to all the parties for all the stages, and his party has already got double the time allotted to it.

SHRI S. M. BANERJEE : Some time should have been given to me also as representing a party in this House.

MR. SPEAKER : His party got double the time. I am sorry. He can make it up some other time.

SHRI S. M. BANERJEE : There is not going to be another Finance Bill after this. At least, you can give two minutes to Shri K. C. Panda.

MR. SPEAKER : I am sorry. There is no time left now for anyone. The hon. Minister.

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN) : I think that most of the points that were raised at the stage of the third reading were raised either at the time of the general discussion of the budget or at the consideration stage of the Financial Bill.

Shri Atal Bihari Vajpayee brought in the issue of Bangla Desh. There is enough controversy over it, and I do not think that I should add my own to the many statements already made on his side or on our side. I can only say that this is an issue on which we should stand as one nation and not as a party and party differently. I think Government have taken a position which represents the real nationalistic spirit of India. No one should try to look at the problem in the interests of his political party. I agree that there can be differences of opinion on emphasis. I can understand that, because it is an issue on which there can be differences of emphasis. But the question is whether any political party should make it a point of agitation. I quite understand his intentions that he does not want to make it a communal issue, but mere good intentions never help anybody. Sometimes when these things are allowed to go on in an agitational form possibly they take ugly turns. The hon. Member has got many experiences of that type. I do not want to speak more on this.

As he has said, the responsibility of the expenditure on refugees is a heavy one, and the country certainly will have to be prepared for certain sacrifices and a certain economic discipline. I think that the Rehabilitation Ministry will have to come forward for a sizable amount by way of Supplementary Demands for Grants. But that does not mean that Government are thinking of coming forward with a supplementary taxation. I do not want to spread that sort of rumour and fear and allow the

antisocial elements to take undue advantage of it. Possibly, we shall have to think of other methods, such as effecting economy, making a more vigorous attack on the problem of arrears and trying to collect more money, and many other things will have to be thought of. We have to deal with this problem as it comes, because it is a continuing problem, and so, it will have to be thought of as it comes.

SHRI JYOTIRMOY BOSU : The arrears are increasing every day.

SHRI YESHWANTRAO CHAVAN : That is a fact of life. All of us want to deal with this problem. We know that the problem cannot be ignored. We should try to make the utmost effort with the co-operation of the people. It is here this Cooperation is needed. It is no use trying to find out what the class-character of this government and this party is. I can tell him the class character of this party is this : this party stands for the real down-trodden people of India, and we really want to see that ultimately their progress takes place. Really speaking, we represent the real socialist urge of the people of India (*Interruptions*).

12½ hrs.

SHRI JYOTIRMOY BOSU : It is seen through action.

SHRI YESHWANTRAO CHAVAN : Certainly through action. We have taken positive steps in this Budget itself. If he wants merely for the sake of rhetoric to ask me what the class character of my party is, could I ask him a counter-question—I hope he does not get angry—“what is the national character of your party?” (*Interruptions*).

SHRI JYOTIRMOY BOSU : Our class character is all clear ; it is shown through our actions (*Interruptions*).

SHRI B. N. REDDY (Niryalguda) : Your class character is seen through the influence exercised on you by foreign powers, particularly the American imperialists.

SHRI YESHWANTRAO CHAVAN : I am glad that their party, as seen from newspaper reports, are also agreeing to see

that no violence is perpetrated. I hope they mean what they say. This is all I can say at the present moment.

I know the taxation proposals certainly create a feeling of harassment. But the taxation system in our country is such. We will have to have a long-term view of the taxation system. But as things are, you have to take certain realities into account. Unfortunately, the base of the direct taxation system is very narrow; it has got to be broadened. That can be done only through increases in industrial and agricultural production. This sort of an irritating basis of indirect taxation in which one is compelled to make a choice of certain items is inevitable at present. Some of these items do have some effect on the middle classes. They have to bear the burden of it.

SHRI R. D. BHANDARE (Bombay Central) : Effect on bachelors.

SHRI YESHWANTRAO CHAVAN : Naturally, whatever affects individuals affects them also; bachelors are no exception.

SHRI JYOTIRMOY BOSU : You live on indirect taxes.

SHRI YESHWANTRAO CHAVAN : I have made an effort to see that most of the items consumed by the common man are excluded, as far as possible. Even then there were certain items which I could not exclude altogether.

Yesterday a question was raised about concession in respect of the pressure cooker. I assured the House then that I would give consideration to that, not at the second stage, but later. In deference to the wishes of hon. members, I have decided to reduce the duty on pressure cookers from 20 per cent to 10 per cent advalorem. A separate notification to this effect is being issued. I hope bachelors will be at least 50 per cent satisfied (*Interruptions*).

SHRI ATAL BIHARI VAJPAYEE : He is an experienced bachelor.

MR. SPEAKER : It is an innocent effort to please housewives.

SHRI YESHWANTRAO CHAVAN : It is really speaking, in deference to the wishes of the housewives of the country as a whole.

There were certain questions raised about —over and under-invoicing. This is, no doubt, a very serious problem. I may mention that we have received certain recommendations from the Committee which went into it. On the basis of those recommendations, we will be coming forward to amend the Foreign Exchange Regulation Act which possibly will give us some solution; I cannot say it will give 100 per cent solution, because these are matters which, really speaking, cannot be solved to everyone's entire satisfaction (*Interruption*). Shri Jotirmoy Bosu need not interrupt. I have accepted his offer to discuss with me. We have to make a common effort. To this end, whatever suggestions come from whatever quarters are welcome.

MR. SPEAKER : The question is :

"That the Bill, as amended, be passed."

The Lok Sabha divided :

Division No. 16]

[12.10 hrs

AYES

Afzalpurkar, Shri Dharamrao
Ambesh, Shri
Awdhesh Chandra Singh, Shri
Babunath Singh, Shri
Barman, Shri R. N.
Basumatari, Shri D.
Bhandare, Shri R. D.
Chanda, Shrimati Jyotsna
Chandrashekharappa, Shri T. V.
Chaudhary, Shri Nitiraj Singh
Chavan, Shri Yeshwantrao
Chawla, Shri A. N.
Chhotey Lal, Shri
Daga, Shri M. C.
Dalip Singh, Shri
Deo, Shri S. N. Singh
Dhusia, Shri Anant Prasad
Doda, Shri Hiralal
Dumada, Shri L. K.
Gandhi, Shrimati Indira
Ganesh, Shri K. R.
Godara, Shri Mani Ram

Gogoi, Shri Tarun
 Gohain, Shri C. C.
 Ishaque, Shri A. K. M.
 Jadeja, Shri
 Joshi, Shri Popatlal
 Kailas, Dr.
 Kakoti, Shri Robin
 Kamakshiah, Shri
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Kaul, Shrimati Sheila
 Kedar Nath Singh, Shri
 Kisku, Shri A. K.
 Kotoki, Shri Liladhar
 Lakshmikanthamma, Shrimati
 Majhi, Shri Gajadhar
 Majhi, Shri Kumar
 Maurya, Shri B. P.
 Minimata Agamdas, Shrimati
 Mishra, Shri Jagannath
 Munsii, Shri P. R. Das
 Negi, Shri Pratap Singh
 Pahadia, Shri Jagannath
 Pandey, Shri Damodar
 Pandey, Shri K. C.
 Pant, Shri K. C.
 Partap Singh, Shri
 Patil, Shri E. V. Vikhe
 Patil, Shri S. B.
 Patnaik, Shri J. B.
 Peje, Shri S. L.
 Pradhani, Shri K.
 Raj Bahadur, Shri
 Ram, Shri T.
 Ramshekhur Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Shri Jaganath
 Rao, Shri Nageswara
 Rao, Shri Pattabhi Rama
 Rathia, Shri Umed Singh
 Reddy, Shri K. K. Rami
 Reddy, Shri P. Venkata
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Saipathy, Shri Devendra
 Sethi, Shri Arjun
 Shankaranand, Shri B.
 Sharma, Shri A. P.
 Sharma, Shri Madhoram
 Shastri, Shri Shivpujan
 Shenoay, Shri P. R.

Shivnath Singh, Shri
 Singh, Shri S. D.
 Sinha, Shri N. K.
 Sohan Lal, Shri T.
 Tiwary, Shri D. N.
 Tombi Singh, Shri N.
 Uikey, Shri M. G.
 Vekaria, Shri
 Yadav, Shri R. P.

NOES

Bade, Shri R. V.
 Balakrishnan, Shri K.
 Banera, Shri Hamendra Singh
 Banerjee, Shri S. M.
 Bhattacharyya, Shri Jagadish
 Bhattacharyya, Shri S. P.
 Bosu, Shri Jyotirmoy
 Gowder, Shri J. M.
 Halder, Shri Madhuraya
 Joseph, Shri M. M.
 Mishra, Shri Shyamnandan
 Modak, Shri B. K.
 Mohanty, Shri Surendra
 Mukherjee, Shri Saroj
 Muruganantham, Shri
 Narendra Singh, Shri
 Nayak, Shri Boksi
 Nayar, Shrimati Shakuntala
 Pandey, Shri Sarjoo
 Parmar, Shri Bhajibhai
 Pa'el, Shri H. M.
 Purty, Shri M. S.
 Rao, Shri M. Satyanarayan
 Reddy, Shri B. N.
 Roy, Dr. Saradish
 Saha, Shri A. K.
 Sen, Dr. Ranen
 Shamim, Shri S. A.
 Sharma, Shri R. R.
 Solanki, Shri Somchand
 Vajpayee, Shri Atal Bihari
 Vijay Pal Singh, Shri
 Viswanathan, Shri G.
 Yadav, Shri Shiv Shanker Prasad

MR. SPEAKER : The result* of the division is : Ayes 82 ; Noes 34.

The motion was adopted.

*The following Members also recorded their votes :

AYES : Sarvashri J. C. Dixit, Gokhinde, P. Narasimha Reddy, Prabodh Chandra and Purushottam Kakodkar ;

NOES : Rajmata Krishna Kumari Jodhpur, Sarvashri Lambodar Baliyag, D. K. Panda, Biren Dutta and Gajadhar Saha.

MR. SPEAKER : We now take up item No. 4. Shrimati Sushila Rohatgi.

12.15 hrs.

AGRICULTURAL REFINANCE CORPORATION (AMENDMENT) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI SUSHILA ROHATGI) : S'r, I beg to move :

"That the Bill further to amend the Agricultural Refinance Corporation Act, 1963, be taken into consideration."

The Agricultural Refinance Corporation was set up in July 1963 for providing medium and long term assistance to projects which cannot ordinarily be financed by established agencies such as the apex cooperative and land mortgage banks, either because the amounts involved in each individual scheme or project are very large or because the period for which credit is necessary is relatively long.

The Corporation was incorporated with an authorised capital of Rs. 25 crores of which Rs. 5 crores was issued and subscribed by the Reserve Bank of India, State Co-operative Banks, Central Land Mortgage Banks, certain scheduled commercial banks and the Life Insurance Corporation. The Corporation was also given by the Government of India an interest free loan of Rs. 5 crores at its inception with a moratorium of 15 years. The loan is repayable in 15 equal annual instalments thereafter.

The Corporation is authorised to raise funds by way of share capital from its members and loans from the Central Government and by issuing bonds and debentures. It can also borrow money from the Reserve Bank of India to be repaid within a period of 18 months by pledging its stocks, securities etc. Total resources thus raised by the Corporation so far amount to Rs. 71.275 crores (including Rs. 19.525 crores raised from sale of bonds).

The Corporation was slow in gathering momentum. The situation has totally changed during the last three years. By

the end of June 1967, Agricultural Refinance Corporation had sanctioned only 15 schemes. The number increased to 128,233 and 371 during the next three years. By 15th October, 1970, this number has risen to 400,

There has been a consistent rise in the financial outlays on the schemes refinanced by Agricultural Refinance Corporation.

As on the 15th October, 1970, the Corporation had under consideration 193 schemes involving a total financial outlay of Rs 225 76 crores, of which Corporation's Commitment is likely to be Rs. 189 09 crores.

It will be observed that during the last 3 years the Agricultural Refinance Corporation had disbursed Rs. 5.67 crores, Rs. 17.84 crores and Rs. 28 60 crores. Mostly minor irrigation schemes have benefited. Land development, dairy, fisheries and poultry are the other schemes assisted by Agricultural Refinance Corporation.

Agricultural Refinance Corporation is expected to disburse Rs. 200 crores during the 4th plan period.

The Corporation's need for funds has increased. They have estimated their need for funds in 1970-71 to be Rs. 50 crores and for 1971-72, Rs. 76 crores. There is a limit on the budgetary allocation and to the amount of money which may be borrowed by issue of bonds by the Corporation. Therefore, it has been considered desirable that the Reserve Bank should be allowed to lend money from the National Agricultural Credit (Long Term Operations) Fund to the Agricultural Refinance Corporation. This is based on the recommendation of the *All India Rural Credit Review Committee*.

In view of this, it is necessary to amend section 20 of the Agricultural Refinance Corporation Act 1963, and Section 46A of the Reserve Bank of India Act. 1934.

There is another small amendment which is necessary in the Agricultural Refinance Corporation Act. In Section 2 (a) of the Agricultural Refinance Corporation Act, 'agriculture' has been defined as including animal husbandry, dairy farming, pisciculture

[Shrimati Sushila Rohatgi]

and poultry farming. It is proposed to add an explanation to Section 2 (a) to clarify that 'pisciculture' will include development of fisheries, both inland and marine, catching of fish and all activities connected therewith or incidental thereto. In the absence of this Explanation, there are difficulties in refinancing schemes relating to marine fisheries. It is considered necessary to give retrospective effect to this amendment so as to regularise certain amounts already disbursed.

With these words, I move the Bill and hope that the amendments would be accepted by the House unanimously. I commend them for the acceptance of the House.

MR. SPEAKER : Motion moved.

"That the Bill further to amend the Agricultural Refinance Corporation Act, 1963, be taken into consideration "

There is an amendment for circulation.

SHRI SHIVNATH SINGH (Jhunjhunu) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 20th October, 1971." (1)

MR. SPEAKER : Shri Shivrath Singh.

श्री शिवनाथ सिंह : अध्यक्ष महोदय, यह जो एग्रीकलचरल रिफाइनंस कारपोरेशन (अमेडमेंट) बिल लाया गया है उस का मैं स्वागत करना हूँ लेकिन मैं समझता हूँ कि केवल इतना ही काफी नहीं होगा और एक नया कम्प्रीहेंसिव बिल लाया जाय।

मेरा निवेदन यह है कि पुराने समय में एग्रीकलचरल बैंक में धन की आवश्यकताएँ जिन मुद्दों के लिए तथा जितनी थी उस से स्कोप बहुत बढ़ गया है। एग्रीकलचरलिस्ट्स की डिमांड्स पहले के मुकाबले अधिक बढ़ गयी है। मैं मानता

हूँ कि इस मौजूदा एग्रीकलचरल रिफाइनंस कारपोरेशन (अमेडमेंट) बिल के द्वारा कारपोरेशन का जो स्वरूप बनाया जाने वाला है उससे किसी हद तक उन की मांगों की पूर्ति होगी और उनके साधन बढ़ेंगे लेकिन यह मौजूदा बिल मेरी राय में काफी नहीं होगा।

आज तक हमारा यह एग्रीकलचरल बैंक बहुत नंगलैकट रहा है और उसको जितनी प्राएरटी मिलनी चाहिए वह प्राएरटी नहीं मिली है। आप जानते हैं कि हमारे देश की 80 प्रतिशत : आबादी एग्रीकलचर पर निर्भर करती है लेकिन तो भी आज कृषि को इंडस्ट्री नहीं माना जा रहा है हालांकि यह देश की सबसे बड़ी इंडस्ट्री है। इसलिए मैं आप से निवेदन करूंगा कि जिस प्रकार का रूप इस बिल का है उस के अन्दर यह आज एग्रीकलचर की पूरी आवश्यकताओं की पूर्ति नहीं कर सकता है। इसीलिए मैंने अपना अमेडमेंट इस पर पेश किया है कि इस बिल को पब्लिक प्रोपीनियन के लिए भेज दिया जाय क्योंकि आज हमारे एग्रीकलचरलिस्ट्स की आवश्यकताएँ बढ़ गयी हैं। आज उन को छोटे छोटे सिंचाई साधनों जैसे पम्पिंग सेट्स बिजली आदि के लिए रुपये की आवश्यकता पड़ती है। नई टैकनिक कृषि में आई है। नई मशीनरी, नया खाद, नये तरीके खेती के, पानी आवश्यकता, मार्केटिंग तथा स्टोरिंग की आवश्यकता, गोडाऊन फैसिलिटी ऐडवांस अग्रेस्ट एग्रीकलचर प्रोड्यूस आदि इन सभी बातों का समावेश करते हुए एक एग्जास्टिव स्कोप लेकर इस एग्रीकलचरल कारपोरेशन का स्वरूप बने इसकी आज आवश्यकता है और इसीलिए मैंने बिल को पब्लिक प्रोपीनियम एलिस्ट करने के लिए भेजने का अमेडमेंट किया है।

आज हम जानते हैं कि छोटे-छोटे सिंचाई साधनों के लिए, पम्पिंग सेट्स के लिए और

बिजली के लिए रुपये की आवश्यकता पड़ती है। मेरा मकसद अपने इस अमेडमेन्ट को पेश करने का यह है कि इस पर खूब सोच विचार करने के बाद काँट छाट करके सुन्दर रूप इस कारपोरेशन का बना सकें ताकि हम आज के जमाने में काश्तकारों की नई ग्रीम बड़ी हुई मांग को पूरा कर सकें।

अध्यक्ष महोदय, आप जानते हैं कि देश में एग्रीकल्चरिस्ट्स की क्या हालत है। उन की आवाज बहुत कम है। उन की लोबी बहुत इनएक्टिव है हाँकि पिछले दिनों में वह कुछ ऐक्टिव हुए हैं। काश्तवार देश की रीढ़ है और जाहिर है कि जब तक हम उसकी आवश्यकताओं को पूरा नहीं करेंगे तब तक एग्रीकल्चर डेवलप नहीं होगी।..

अध्यक्ष महोदय माननीय सदस्य का समय समाप्त हो रहा है।

श्री शिवनाथ सिंह अभी मुझे बहुत कुछ निवेदन करना था कम से कम 10 मिनट मुझे और दिए जायें।

अध्यक्ष महोदय इस बिल के लिए कुल एक घंटा है और इधर से और उधर से अभी कई माननीय सदस्य इस पर बोलने को इच्छुक हैं तो फिर माननीय सदस्य को मैं 10 या 15 मिनट का समय कैसे दे सकता हूँ। माननीय सदस्य पाँच मिनट में अपनी बात समाप्त कर दें।

श्री शिवनाथ सिंह : जैसी आप की आज्ञा। मैं पाँच मिनट में समाप्त किये दे रहा हूँ। मैं निवेदन करना चाह रहा था कि यह एग्रीकल्चरल क्लास जितनी भी हार्डशिप्स है उन्हें शांति से बर्दाश्त किये जा रहा है और जैसा मैंने कहा उसकी लोबी बड़ी इनएक्टिव है। लेकिन इसको विपरीत हमने देखा कि प्रेसर क्लक्स पर गवर्नमेंट ने टैक्स कम कर दिया,

मैंने पर कम हुआ। हमने देखा कि फौरन ट्रैबिल पर कम हुआ लेकिन चूँकि काश्तकारों की आवाज नहीं है इसलिए हमने ट्रैक्टरों पर 30-40 परसेंट दम्पोर्ट ड्यूटी को बर्दाश्त किया। उन्होंने लैंड सीलिंग को बर्दाश्त किया। दूसरे जहाँ उनके साधन हैं उनके ऊपर भी सीलिंग को उन्होंने बर्दाश्त किया। मैं निवेदन करना कि कम से कम एग्रीकल्चरल डेवलपमेंट के लिए तो आप अपना खर्च कीजिये। आप जानते हैं कि देश के अन्दर कितने बड़े बड़े मैदान पड़े हुए हैं। आज हमारे काश्तकारों के पास आवश्यक साधन नहीं हैं और पानी के अभाव में वह अपने खेतों की मिचाई नहीं कर सकते हैं। 30-30 और 40-40 मील से उन्हें पानी लाना पड़ता है। काश्तवार की स्त्री बेचारी मुबह से लेकर शाम तक पानी इकट्ठा करने के काम में लगी रहती है। उन की इन दिक्कतों को मिटाने के लिए छोटे छोटे पम्पिंग मेडन लगाइये, छोटी छोटी नहरें बनाइयें, कुएँ बनाइये और उनके वास्ते खाद और मिट्टी का इतजाम कीजिये। कारपोरेशन को हम प्रचार के कामों के लिए इतजाम करना चाहिए। रूपल इलेक्ट्रिकफिकेशन को सहूलियत उन्हें सुलभ की जाय और गांव गाँव में उसका विस्तार किया जाय।

मैं निवेदन करना चाह रहा था कि यहाँ कुछ स्कीम ली जा रही हैं लेकिन लेने के बाद वह समाप्त हो जाती है। मैं फार्नेस के उप मंत्री जी से निवेदन करना कि हमारे राजस्थान में उदयपुर बाटी पंचायत समिति में मैनपुरा, बागौली और गुडा के लिए एग्रीकल्चरल फाइनेव कारपोरेशन ने वहाँ के काश्तकारों को लोन देने के लिए आज तीन साल पहले एक स्कीम बनाई थी लेकिन वह अभी तक कभी आउट नहीं हुई है। तीन साल होने को आये लेकिन कुछ पता नहीं लग रहा है कि उस स्कीम का आखिर हुआ क्या और वह बेचारे काश्तकार मुँह बाँधे पिछले

(श्री शिवनाथ सिंह)

तीन साल से रुपया मिलने की आशा में आप की तरफ देख रहे हैं। इसलिये मैं चाहता हूँ कि मंत्री महोदय इस मामले में देखें और इस तरह की सहूलियत उन्हें दिलवाने की कोशिश करें।

मैं एक निवेदन करना चाहूँगा कि हमारा जितना भी डेब्रेंट डेवेलपमेंट का काम है वह इस कारपोरेशन को लेना चाहिए। जैसे जैसे डेब्रेंट कारपोरेशन के अन्दर आयेगा उस का डेवेलपमेंट होगा और ऐग्रीकल्चर बढ़ेगा। आज राजस्थान में कितना बड़ा भू-भाग पड़ा है जो रेगिस्तान है। वहाँ पर सिचाई के साधन नहीं हैं। इस लिये आप इन कामों को लें। इस के दायरे को आप संकुचित न करें, विस्तृत करें। आप जानते हैं कि आज जितना भी परसेंटेज ऐग्रीकल्चर का है, खरूर क्लाम का है, उस के हिस्से में जितना रुपया आप डेवेलपमेंट के लिये खर्च करते हैं उसका बहुत कम प्रपोशन आता है।

इन शब्दों के साथ मैं इस बिल में अपना अमेंडमेंट मूव करते हुए मैं निवेदन करना चाहूँगा कि आप एक बहुत विस्तृत बिल लायें, बड़े स्कोप वाला बिल यहाँ पर लाएं और ऐसे सुधार की व्यवस्था करें जिस के द्वारा ऐग्रीकल्चर के लिये अधिक साधन जुटाये जा सकें।

श्री सरजू पांडे (गाजीपुर) : यह बिल इस सदन में इस मंशा से लाया गया है कि ऐग्रीकल्चर रिफाइनेंस कारपोरेशन बनाया जाये। मैं आम तौर से इस बिल का समर्थन करता हूँ, परन्तु जैसा अभी माननीय सदस्य ने कहा, यह देश कृषि-प्रधान देश है लेकिन सब से कम रुपया इस को ही मिलता है। पहले तो मिलता ही नहीं था। जब से सहकारी बैंक हुए हैं तब से ही समझता हूँ ऐग्रीकल्चर को तरक्की के लिये बहुत कम धन बैंकों से मिलता है। हमारे देश

में सिचाई के साधनों और दूसरी चीजों की दड़ी आवश्यकता है। मगर जितना बड़ा हमारे देश का कृषि उद्योग है उतना ही इस सरकार का उस की तरफ पैसा लगाने पर कम ध्यान है। अभी मैं जी डी आर गया था। वहाँ पर देखा कि वहाँ के लोगों ने खेती में इस तरह से धन लगाना शुरू किया है कि ऐग्रीकल्चर में और दूसरी इंडस्ट्री में कोई अन्तर नहीं रह गया है। बड़ी बड़ी मशीनों को आपरेटिव के द्वारा ला कर उन्होंने पूरे के पूरे ऐग्रीकल्चर की धारा को बदल दिया है। मगर हमारे देश में पुराने तौर तरीके ही चल रहे हैं। काश्तकारों के पास इतना धन नहीं है कि वह ट्रैक्टर खरीद सकें, खाद डाल सकें, इतना धन नहीं है कि अपने यहाँ ट्यूब वेले लगा सकें। मगर हमारी सरकार का रवैया इस तरफ बहुत ही खराब है।

मैं चाहता था कि इस सिलसिले में मंत्री कोई ऐसा काम्प्रोहेन्सिव बिल लायें जिस से काश्तकारों को धन देने की पूरी व्यवस्था हो जाये। इस विधेयक के द्वारा आप सिर्फ इस कारपोरेशन से धन दिलवायेंगे, और इस कारपोरेशन में बटे हुए बड़े बड़े मगर मच्छ सारा धन खायेंगे। गरीब जनता के पास वह सारा धन नहीं जायेगा। आज तो हम लोग यहाँ पर एक तमाशा खड़ा करते हैं कृषि पंडित का। यहाँ पर किसानों का एक आर्गेनाइजेशन बना हुआ है जिम को फार्मर्स फोरम कहते हैं। खुदा जाने यह कैसा काश्तकारों का फोरम है जिस में देश के वह बड़े काश्तकार हैं जो बड़े बड़े फार्मर्स हैं, जो 400-600 एकड़ जमीन रखने वाले लोग हैं। उससे बड़ी लोग फायदा उठाते हैं मैं चाहता हूँ कि इस तरह के छोटे मोटे अर्मेंडिंग बिल लाने के बजाय हमें इस तरह की व्यवस्था करनी चाहिये जिस में हमारे देश की ऐग्रीकल्चर तरक्की करे। यह जाहिर बात है कि जब तक हमारे देश में ऐग्रीकल्चर तरक्की नहीं करेगी तब तक इस उद्योग में कोई भी तरक्की नहीं

होगी और तब तक हमारे देश में जनता की पंचजिग पावर नहीं बढेगी जब तक उसकी पंचजिग पावर नहीं बढेगी तब तक हमारे देश के काश्तकारों के पास अपना फाइनेन्स नहीं होगा और उन को अपने अनाज की ठोक पाइस नहीं मिलेगी। आज उन को धन देने की बात तो दूर रही, उन का अनाज खरीदने वाला कोई नहीं है। जब वह उन के घर से सस्ते दामों पर चला जाता है तब उन छोटे छोटे काश्तकारों को उस को महंगे भाव पर खरीदना होता है और बैंक उन को पैसा देने नहीं है। इस लिये मैं चाहता हूँ कि इस में इस तरह से सुधार किया जाय और कानून बनाया जाय कि छोटे काश्तकारों को मदद दी जा सके।

अभी हमारे माननीय सदस्य ने ठीक कहा कि इस कानून को अच्छे ढंग से बनाने के लिये कमेटी बिठलाई जा सकती है या जनता की राय इस पर ली जा सकती है कि कैसे इस कानून को बनाया जाय ताकि हमारे देश में काश्तकारों को पैसा मिल सके। आज काश्तकार सब से ज्यादा दुखी हैं। हम उन को सब से कम पैसा देते हैं। मैं चाहता हूँ कि अगर इस सत्र में न हो सके तो कम से कम अगले सत्र में मंत्री महोदय ऐसा सशोधन लायें ताकि काश्तकारों को ज्यादा पैसे मिल सकें। अभी हमारे फाइनेन्स मिनिस्टर साहब मेरे यहाँ गये थे। वहाँ पर उन्होंने बैंक वालों से पूछा कि क्या यहाँ पर काश्तकार लोगों को हम पैसा देते हैं, तब उन लोगों ने कहा कि देते हैं। जब कहा गया कि अच्छा नाम बताओ किस काश्तकार को दिया है तो भाखूम हुआ कि सारी झूठ बात है। एक आदमी को भी पैसा नहीं दिया गया। मेरे पास पंजाब से आदमी आये। उन्होंने बतलाया कि जब महाजन पम्पिंग सेट बनाता है तो बैंक उस को काश्तकार के नाम पर रुपये लोन दे देता है। अगर 5,000 रु की मशीन होती है तो वह उसको 10,000 रु. में खरीदवाता है और बाद में वह काश्तकार

से वसूल किया जाता है। इस तरह की वर्गिल बँकों में होती है। यही नहीं जो समझदार लोग हैं वह बैंकों से पैसा ले लेते हैं और काश्तकारों को दूने सुद पर देते हैं। यह सब इस लिये चलता है कि कानून में छेद है। अब कारपोरेशन रुपया दिलायेगा। कारपोरेशन वाले काश्तकार के बदले किसी और को रुपया देंगे। इस लिये इस तरह की लम्बी एजेंसियाँ बनाने की जरूरत नहीं है।

मैं इस बिल का समर्थन करते हुए यह चाहता हूँ कि जो बिल मंत्री जी लाये उस से हमारे देश की आम जनता को और काश्तकारों को रुपया मिल सके। सिर्फ कहने से ही काम नहीं चलेगा, अभी हमारे माननीय मित्र कह रहे थे कि गरीब जनता को पैसा नहीं मिल पाता है। जो इस देश के शक्तिशाली लोग हैं वह आप के कानून का लाभ उठा कर सारा रुपया ले जावे हैं। कानून इस तरह का सीधे सादे और साफ तरीके का होना चाहिए जिस से गरीब जनता को लाभ हो। मैं इस बिल का समर्थन करते हुए चाहता हूँ कि एक काम्प्रि-हेन्सिव बिल लाया जाय ताकि हमारे देश के काश्तकारों को आसानी से धन मिल सके।

श्री नवल किशोर सिंह (मुजफ्फरपुर)
अध्यक्ष महोदय, मैं इस सशोधन विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ और जनमत के लिए प्रचारित करने का जो सशोधन मेरे माननीय मित्र से उपस्थित किया है उस का विरोध करता हूँ। विरोध इस लिये करता हूँ कि शायद मेरे माननीय मित्र को पता नहीं है कि जब किसी विधेयक को जनमत जानने के लिये प्रचारित करने का संशोधन आता है तो उस के माने उस विधेयक के लगभग विरोध के ही होते हैं। अगर किसी विधेयक का विरोध करना हो तब ही जनमत के लिये प्रचारित की बात की जाती है। जैसा माननीय मित्र ने

[श्री नवल किशोर सिंह]

स्वीकार किया है, विधेयक में बहुत सी जगहों पर चीजें आ गई हैं। इस लिये उसको जनमत के लिये प्रचारित करने का जो संशोधन है वह मेरे खयाल से उचित नहीं है।

मैं एक बात उप-मंत्री महोदया से पूछना चाहता हूँ। मैं ने इस के ओरिजिनल ऐक्ट को देखा है। ओरिजिनल ऐक्ट में ऐग्रीकल्चर शब्द की जो परिभाषा दी गई है उस में पिसीकल्चर नहीं आता है। उस में डेअग्री फार्मिंग आती है, पोल्ट्री फार्मिंग आती है, पिमा कल्चर भी आता है, सब कुछ उस में सम्मिलित किया गया है, लेकिन उस में हार्टिकल्चर नहीं है। अगर ऐग्रीकल्चर के माने हार्टिकल्चर मानते हैं तब मुझे कुछ नहीं कहना है, लेकिन ऐग्रीकल्चर का जो डिक्शनरी मीनिंग है उस में हार्टिकल्चर है या नहीं, इस में कुछ सदेह हो सकता है, ऐसा मेरा खयाल है। अगर इस में कोई शक की बात नहीं है, अगर डिक्शनरी मीनिंग से स्पष्ट है कि हार्टिकल्चर उस में आता है और सरकार उस को मानती है, तब हार्टिकल्चर को अलग से देने की जरूरत नहीं है, लेकिन अगर डिक्शनरी मीनिंग शंकास्पद हो तो ऐसी स्थिति में ऐग्रीकल्चर की परिभाषा में हार्टिकल्चर को स्पष्ट कर देना अधिक समीचीन होगा।

दूसरी बात में यह कहना चाहता हूँ कि रिजर्व बैंक से कृषि के लिये जो ऋण मिलता है उस के सूद की दर काफी कम होती है रिजर्व बैंक से करीब करीब 3½ या 4 परसेंट। लेकिन क्या कभी सरकार ने इस बात पर विचार किया है कि किसार तक पहुँचते पहुँचते सूद की दर क्या हो जाती है? 9 परसेंट और अगर पेनल रेट जोड़ ले तो वह हो जाती है 10 परसेंट। देखिये कि कितना फर्क है। कहा 4 परसेंट और कहा 9 या 10 परसेंट? इस के सम्बन्ध में सरकार को कुछ सोचना चाहिये कि क्यों इतना

बड़ा फर्क आता है। इस पर ग्रीवरहेड एक्स्पेन्डिचर बहुत ज्यादा है या कुछ और बातें हैं। मेरा खयाल है कि हमारी सरकार को इस के सम्बन्ध में एक नये तरीके से सोचने की जरूरत है। जो सूद की दर हो वह किसी भी हालत में 6 प्रतिशत से ज्यादा न बढ़े।

मैं एक बात और कहना चाहता हूँ कि सरकार की ओर से राष्ट्रकृत बैंकों के द्वारा या सहकारी बैंकों के द्वारा जो कर्ज मिलता है उस की बसूली के नाम्स, सूद की दर सारे भारत में करीब करीब एक है आप जानते हैं कि दुर्भाग्यवश हमारे देश में रीजनल इम्बैलेस बहुत है। जो पूर्व के चार पांच प्रान्त हैं उन को आप किसी भी तरह से पंजाब और महाराष्ट्र में नहीं मिला सकते हैं। न तो वहाँ के किसानों की सूझ बूझ और न वहाँ के किसानों की आर्थिक क्षमता की हम पंजाब, महाराष्ट्र और तमिलनाडु के किसानों से तुलना कर सकते हैं। ऐसी स्थिति में जो नाम्स पंजाब महाराष्ट्र और तमिलनाडु के हैं वही पूर्वांचल के प्रदेशों के हैं तो इस का जो बुग फल होगा वह स्पष्ट है। इस का फल यह होगा कि हैवी ओवरड्यूब होंगे। आज आप सहकारी बैंकों के फिंगर्स को देख लें, पूर्वांचल की क्या हालत है, उन प्रदेशों में कितना ओवरड्यूब हो गया है। इस तरह से ऋण लेने की आगे क्षमता वहाँ के किसानों को कम हो गई है। ऐसी हालत में मेरा खयाल है कि सरकार को सोचना चाहिये कि क्या ऐसे प्रान्तों के लिए जिन प्रान्तों में किसानों की अवस्था ज्यादा खराब है और जहाँ कृषि की तरक्की तेजी से नहीं हो रही है जिस के लिए सरकार जिम्मेवार है, वहाँ कर्ज देने के लिए सूद के और कर्जों की बसूली के लिए कोई दूसरे नाम्स हो सकते या नहीं। मेरा सुझाव है कि कुछ और सरल और कुछ और साधारण उसके लिए नियम बनाये जाने चाहिये। जब

में यह कहता हूँ कि सरकार की जिम्मेदारी है तो मैं यह बड़ी जिम्मेदारी के साथ कह रहा हूँ। इस लिए कह रहा हूँ कि यहाँ उस दिन हमने डा० के. एल. राव को कहते हुए सुना था कि उत्तर बिहार में बिजली नहीं है, इसकी मुझे आप क्यों याद दिलाते हैं? 23 साल के बाद भी अढ़ाई करोड़ की आबादी जो उत्तर बिहार की है वहाँ अगर बिजली नहीं है तो इसकी जिम्मेदारी सिवाय राज्य सरकार या केन्द्रीय सरकार के और किस की हो सकती है? इसके बाद भी अगर हम ऋण देने के और ऋण को वसूली के नाम वही रखे तो मेरे खयाल में यह कोई बुद्धिमानी की बात नहीं होगी।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और माननीय उप मंत्री जी से अनुरोध करता हूँ कि जिन विषयों को यहाँ हमने उठाया है, उनका वह रूप स्पष्टीकरण करें।

SHRI G. VISWANATHAN (Wandiwash): Mr. Speaker, Sir, this Bill seeks to enable the Agriculture Refinance Corporation to borrow from the National Agricultural Credit Fund of the Reserve Bank of India. I am glad that the Government is aware of the fact that the scope of this Refinance Corporation is increasing and it has a vital role to play in the development of agriculture and in increasing food production.

From the experience that we have had in the States, I can tell the Government that the State Refinance Corporations have to meet a larger number of requests from the districts for agricultural and non-agricultural schemes. They have to lend to land development banks for long-term loans and to co-operative credit banks for medium-term loans. Not only that, they have to finance sinking and deepening of wells, installation of pump sets and other schemes, specially in districts where there is no river water for irrigation like my own district of North Arcot. We have to depend upon lift irrigation because sinking of a well there is a costly affair. So, these corporations have

to finance these schemes also from the districts.

The development of animal husbandry and poultry also comes under this Refinance Corporation. When the Minister was speaking, she said that most of the finance available from this Corporation is going for minor irrigation. Not only minor irrigation but even schemes other than minor irrigation have to be financed from this Corporation. For example, the development of coconut, grapes, cocoa, banana etc. also depends on this financial institution.

Even the schemes of soil conservation come under this. I would like to tell the Minister that sheep breeding is also taken up by most of the States and for that purpose even in my own constituency Rs. 1 lakh have been allotted by the Tamil Nadu State Refinance Corporation.

This Bill seeks to define again pisciculture and wants to enlarge the scope of fish. For a long time somehow we had been neglecting the development of fisheries. India has more than a thousand miles of coastline and yet we are not going in for fishing. Marine fishing will definitely help us in solving our problems. Hence, I think, Government must concentrate on expanding and expediting marine fishing, which will solve our food shortage problem and also the problem of malnutrition. Though I am not a fish-eater, I think, Government must concentrate on it.

For 1971-72, the Minister just now told us, Rs. 76 crores are going to be allotted. I think, the Government should not be stingy as far as this financial institution is concerned, so that they can help all the State refinance institutions to a larger extent because this is one of the institutions which vitally helps in increasing food production in the country. Hence, I support this Bill.

श्री आर. बी. बड़ (खरगोन): अध्यक्ष महोदय, एग्रिकल्चरल रिफाइनंस कारपोरेशन एमेंडमेंट बिल का मैं समर्थन करता हूँ। इसके उद्देश्यों में लिखा हुआ है कि नेशनल एग्रिकल्चरल क्रेडिट (लॉन्ग टर्म आप्रोप्रिय)

[श्री आर. बी. बड़े]

फंड का जो पैसा है उस में से पैसा इस कारोपेशन को उधार मिलना चाहिये। 1963 में एग्रिकलचरल रिफाइनेंस कारपोरेशन बिल पास हुआ था। तब तीसरी लोक सभा का मैं मेम्बर था उस बिल का मुख्य उद्देश्य यह था कि कृषि सम्बन्धी कार्यों के लिए, उत्पादन बढ़ाने के लिए, एग्रिकलचर के डिवेलेपमेंट के लिए यह बिल लाया जा रहा है। तब इसको पास किया गया था और इसके बे तीन मुख्य उद्देश्य थे। उस में उसको पैसा उधार देने की बात थी। लेकिन पी एल 480 का पैसा जो रिजर्व बैंक के पास पड़ा हुआ है, मैं जनना चाहता हूँ कि उसके बारे में शासन ने क्या किया है? वह पैसा ब्राइडल पड़ा हुआ है। मैं चाहता हूँ कि उसका उपयोग एग्रिकलचर के लिए हो। इसके बास्ते कोई प्रस्ताव इस बिल में नहीं आया है।

किसानों को डिस्ट्रिक्ट कोओपरेटिव बैंक से पैसा मिलता है। डिस्ट्रिक्ट कोओपरेटिव बैंक को एपेक्स बैंक से पैसा मिलता है और एपेक्स बैंक को रिजर्व बैंक से पैसा मिलता है। एपेक्स बैंक से डिस्ट्रिक्ट कोओपरेटिव बैंक को भी पैसा मिलता है और वहाँ से किसानों को जो पैसा मिलता है उस पर कितना ज्यादा इंटरेस्ट किसानों को देना पड़ता है, इसकी तरफ भी आपका ध्यान जाना चाहिये।

आज कोओपरेटिव बैंक की स्थिति क्या है। लांग टर्म, मीडियम टर्म और शार्ट टर्म जो लोन दिये जाते हैं उनके रिपेमेंट में कितना डिफाल्ट किया जाता है और ओवर ड्यूज किस प्रकार से बढ़ते हैं, इसका ज़िक्र बीजे प्लान में किया गया है। उस में कहा गया है :

Page 215—

"While for the country as a whole cooperative short and medium term

agricultural credit nearly doubled during 1960-68, the progress towards development of a viable structure at the level of the primary credit societies and central cooperative banks has been below expectations. Two factors have contributed to this situation. The first has been slow progress in the programme of organising viable primary credit societies by amalgamation of the non-viable societies. The second has been the increase in overdues."

मध्य प्रदेश में जहाँ से मैं आया हूँ वहाँ पर इन ओवर ड्यूज की वजह से हर सोसाइटी डिफिकट पड़ी हुई है। इस ओर भी आपका ध्यान जाना चाहिये। जो क्रेडिट दिया जाता है उस का ठीक उपयोग नहीं होता है। मेरे पास यह रिपोर्ट है।

The Report of the Comptroller and Auditor General for 1969-70 (Civil),

Page 88—

"Ninty-eight stores were running at losses for three successive years from 1966-67. Their cumulative loss upto 1968-69 was about Rs. 2.29 crores. Eight stores went into liquidation and loan/share capital of about Rs. 12.96 lakhs was outstanding from six of them. One other store in Madhya Pradesh which had secured financial assistance of Rs. 8 lakhs suffered a cumulative loss of Rs. 10.43 lakhs upto 30th June, 1969. It owes Rs. 16.81 lakhs to the District Central Cooperative Bank and its functioning is reported to have "seriously affected the financial position of the bank which is the lifeline of the cooperative movement in the district."

इस प्रकार से जो लांग टर्म, मीडियम टर्म और शार्ट टर्म लोन दिये जाते हैं, उनका ठीक से उपयोग नहीं होता है। इस की तरफ भी शासन का ध्यान जाना चाहिये।

इतना ही नहीं। जो स्कीमें बनाई जाती हैं उनका भी पूरी तरह से इम्प्लेमेंटेशन नहीं होता है।

Appropriation Accounts (Civil) for 1969-70, p. 59. "Saving was mainly due to—

(i) non-implementation in full of the Scheme for extension of credit facilities to small farmers (Rs. 193.09 lakhs) ; and

(ii) non-receipt of requirements of grants from various grantees (Rs. 12.25 lakhs)"

आप स्कीमें बाराबर बनाते जाते हैं, कानून पास करते जाते हैं लेकिन उनका इम्प्लेमेंटेशन पूरी तरह से होता या नहीं होता है इसको आप नहीं देखते। इसके सम्बन्ध में आडिट रिपोर्ट्स हैं, पी ए सी की रिपोर्ट्स भी हैं। पंचवर्षीय योजना की जो रिपोर्ट हमारे पास है उस से भी यह स्पष्ट हो जाता है कि जितने भी रिफाइनेंस के कार्य हाथ में लेने की बात कही जाती है, जितनी भी स्कीमें इसके बारे में बनाई जाती है, उनको पूरी तरह से इम्प्लेमेंट नहीं किया जाता है।

अध्यक्ष महोदय, मैं यह समझता हूँ कि इस बिल को पास कर देने में जो उद्देश्य है वह पूरा नहीं होगा। इस कारपोरेशन को घाप रिजर्व बैंक से पैसा दिला दें लेकिन जिस काम के लिए पैसा लिया जाता है वह काम होता है या नहीं इसको भी आपको देखना चाहिये। कोओपरेटिव बैंक्स कितने हिन्दुस्तान में फेल हुए हैं इसका जिक्र पंचवर्षीय योजना की रिपोर्ट में भी किया है और उसका पेज मैंने आपको बता दिया है। इस में लिखा हुआ है जितनी भी भूवर्मेंट्स चल रही हैं, उनके वास्ते क्रेडिट फैसिलिटीज़ पर्याप्त मात्रा में न मिलने के कारण धीरे स्कीमों का ठीक तरह से इम्प्लेमेंटेशन न होने के कारण वे डिफेंड नहीं हुई हैं, बेकार पड़ी हुई हैं। मध्य प्रदेश

में तो ये स्टोर फेल हो चुके हैं। रीफाईनेंस कारपोरेशन का उद्देश्य अच्छा है, लेकिन सरकार को इम्प्लीमेंटेशन की तरफ भी ध्यान देना चाहिए। इस बिल में जो प्राविजन्स हैं, वे ठीक हैं और मैं इस का समर्थन करता हूँ।

श्री राम रतन शर्मा (बाबा) : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। सदन में क्वोरम नहीं है।

अध्यक्ष महोदय : यह फैसला हुआ है कि क्वोरम का सवाल आज नहीं उठाया जायेगा।

SHRI MADHURYYA HALDAR (Mathurapur) : Before going into amendment of the Agricultural Refinance Corporation Bill, I want to make some points regarding the performance and functioning of this Corporation.

The report of the Board of Directors of the Agricultural Refinance Corporation for 1969-70 speaks well of the measures taken by it to increase refinance facilities, but the report does not provide any measure of success achieved by its schemes as it has not given us the number of agriculturists who have been benefited by these schemes, the acreage of irrigation and also the output raised by these schemes. Every one knows in this country that out of the total cropped area, only 20% of the cropped area is irrigated and there is an Irrigation Ministry, there is the Agriculture Ministry and what is ARC's contribution in this respect is not found in the ARC's report.

Secondly, who have been benefited by these schemes? Every one knows that the small farmers did not derive any benefit from these schemes and only the big farmers who are called the Jaidars and big land-owners have been benefited by the Agricultural Refinance Corporation. All the money has flowed to them. They do not need it, still they receive the money just to give it to the small agriculturists or the marginal agriculturists and the agricultural labourers on a higher interest. The result has been that the latest census report, as published in newspapers, says that the number of agricultural labourers has

[Shri Madhuryya Haidar]

gone up by 10%, i.e. the small and marginal farmers are fast. Losing their land. Thus, the ARC has been building up a new privileged class in the village sector also.

The All India Rural Debt and Investment Survey of 1961-62 said that 65% of the loans was borrowed by small and marginal farmers from the interest-hungry money lenders in villages. The small farmers and the marginal farmers are still in the clutches of money-lenders. After that survey of 1971-62, no survey report is available as no survey has been made. Had it been available, it would have been seen that condition of the small and marginal farmer has further deteriorated.

The ARC is working on regional basis. I am giving you statistics from the report. Upto June 30, 1970 the sanction of ARC was as follows:—

Andhra Pradesh	23.96%
Punjab	22.12%
Tamilnadu	8.26%
Mysore	7.23%
Haryana	9.58%
Maharashtra	9.10%

—whereas Orissa got 0.37% and Assam 1.24% and West Bengal, 0.03%. Several districts of West Bengal are flooded by DVC every year and Sundarbans, which is a major part of the 24 Parganas a southern district of West Bengal is inundated by heavy showers and there is no scheme of drainage facilities. In this respect ARC has done nothing.

Again, there certain schemes which are under consideration as on 30th June, 1970. They are as follows :—

Andhra Pradesh	26.64 crores
Gujarat	8.82 crores
Madhya Pradesh	10.87 crores
Maharashtra	5.99 crores
Mysore	17.18 crores
Punjab	33.09 crores
Tamilnadu	50.97 crores

—whereas for Assam it is Rs. 27 lakhs, Orissa, Rs. 76 lakhs and West Bengal, Rs. 1.04 lakhs. There is no scheme of ARC for irrigation, fishery, dairy, but only one of Poultry for Bengal.

In the Fourth Five-year Plan document it is stated in page 141 as follows :

“It is contemplated that the Agricultural Refinance Corporation will provide refinance of the order of Rs. 200 crores.”

This Government has got huge amount of money in the form of LIC, the nationalised banks other commercial banks also. Still this Government wants to amend the Bill only for Rs. 200 crores. The World Bank said that even by 1975 we will not be self-sufficient in foodgrains. So, much more money is needed for these agricultural sectors. The money must be given to the small farmers and marginal farmers and they are to be trained in agricultural affairs. The money should be easily available to them at long-term basis, and minimum rates of interest.

As you know, 80% of our agricultural population are agricultural labourers and for them also some agro-based industries and cottage industries are necessary. Such industries should be set up by ARC.

If these measures are taken then we see no objection to the amendment and taking of money from the Reserve Bank of India's Consolidated Fund.

SHRI P. K. DEO (Kalahandi) : The scope of this Bill is a limited one namely to enable the Agricultural Refinance Corporation to borrow from the National Agricultural Credit (Long-term Operations) Fund maintained by the Reserve Bank of India. It does not extend its arm to giving credit to the individual agriculturist. The Agricultural Refinance Corporation advances money to the various State Governments for the various schemes which are sponsored by them. So, the question of giving credit to the individual agriculturist does not arise out of this Bill.

It is true that the country is passing through a green revolution and the tempo

of activity has been raised in the agricultural field, and people have taken to new techniques. But the main handicap is lack of water. For lack of water, the Orissa State witnessed the worst famine of the country in 1965 and that occurred in my constituency. Still, we find that most of the land depends on the vagaries of the monsoon. So, medium, minor, small as well as as major irrigation projects should be given top priority and those schemes should be sponsored by the various State Governments and they should apply to the Government of India for having loans under this Act from the Agricultural Refinance Corporation. It is a very good thing that the Government of India have been extending their help to the various State in this regard. This is an additional source of raising resources to finance these schemes. But going through the annual report of the corporation for the year 1969-70, which is the latest one available with me, I find that a very sad deal is being given to the State of Orissa. Andhra Pradesh took more than Rs. 20 crores, Punjab Rs. 33 crores, Madhya Pradesh Rs. 10 crores and Orissa only Rs. 76 lakhs and West Bengal only Rs. 1.4 lakhs. I do not want to pass on the buck to either the Government of India or the Orissa Government and the Government of India. But as a representative of the people, I would like to plead that there is great demand for financing such schemes for irrigation in the State of Orissa, and the Orissa Government should sponsor those schemes and ask the Government of India for loans, and the Government of India, after examining the various aspects, should not stand on formalities and technicalities but should give a green signal for all those projects and finance them to the maximum extent possible. The Bill also gives scope for marine fishing. I would like to point that the State of Orissa has got a sea-board of nearly 220 miles. With its vast maritime glory of going to Sumatra, Bali and Java, our fishermen on the sea-coast will take to marine fishing like a duck to water. Only the facilities are to be provided to them. I am happy that marine fishing is also going to be financed by this corporation. In our territorial waters I have come across, and my hon. friend Shri K. R. Ganesh will bear me out, plenty of good seafish. The territorial waters of the Andamans also are famous for sea-fish. The most famous

is the Tuna fish. Some time back, even Chinese fishing ships and fishing ships from other countries had come to our territorial waters for fishing purposes. We do not have facilities for refrigerated boats and trawlers whereby we can go ahead with marine fishing on a large scale. I hope that as a result of the inclusion of marine fishing among the activities which can be financed by the Agricultural Refinance Corporation, the facilities will be extended to the Andamans also which does not find a place in the annual report.

I would also like to point out that giving credit facilities to the various States should be decided on the merits of the scheme. I feel that these pulls and counter-pulls at the Centre actually decide the issue. So, I would request the Government to give their most thoughtful consideration to this matter. It is a very good thing and I support the Bill.

SHRI M. SATYANARAYAN RAO (Karimnagar): Mr. Speaker, Sir, I rise to support this Bill. This is very progressive Bill. I will not repeat so many things which have been covered by my hon. friends. I would like to stress only one point and that is regarding advancement of loans.

The experience is that only rich people are getting the loans easily and that the poor people are not getting any benefit out of this scheme. What happens, Sir, is that the persons who are rich or influential approach the banks or whosoever advances these loans, and they get these loans. They are not spending this amount for the development of agriculture, they are lending and not only lending. Of course lending is good, they can serve, but that is not my experience, Sir. In my district, I have seen that whenever they obtain loans, they obtain them only for the celebration of the marriages of their daughters, or they spend these for political purposes or anything. They are not using the loans for political development of agriculture. It is a very serious matter. Then whenever, we want to recover from them, they are not in a position to pay. To the extent of 80% or 90% or even 100% everybody is indebted now-a-days. They are not properly utilising the loans. It is the duty of the

[Shri M. Satyanarayan Rao]

Government to see that whenever advances are made to the people, these should not be misused by them.

Now-a-days there are several societies in which influential people are there. Without the knowledge of the poor people who possess four or five acres of land, they take loans in their names. They are taking advances in the names of those people, and at the time of recovery of the loan, the Government finds it very difficult. There are several mistakes. The Government is not in a position to recover it. When they want to recover from the persons against whom the loan is shown, they say, they have not taken anything. Without their knowledge, this is what is happening. How we are going to curb this, I do not know. It must be rectified. After all, it is very easy to advance loans, but very difficult to recover. This particular matter should be kept in mind.

Then there is another thing, as my hon. friend has rightly said. There is no scope here for breeding sheep. It must be there. There are several shepherds who want to breed. It must also be included in this.

With these words, I support the Bill.

SHRIMATI SUSHILA ROHATGI :
Sir, I am extremely grateful to the hon. Members of this House for having given their unanimous support to this Bill, because I think the cause which is behind this Bill is a cause of the agriculture, is a cause of the country. And I would beg to differ from the hon. Members when they say that there is no lobby for the agriculturists here. I think, more than three-fourths of the Members, who have been elected to this House have been or are the representatives of the agriculturists and all of us who sit here are, more or less, connected with the agricultural sector. As such, we do not need to say that we are representative of the agriculturists, we do represent them without saying. So, the Government is not only giving the topmost priority but it should give a topmost priority to agricultural sector.

I am extremely glad that the hon. Members have realised that there may be difference regarding the scope of the Bill, but there is no difference at all as far as the objectives and aims are concerned.

I would like to clarify certain points which have been raised here. There is a slight misconception also about the intention of the amendment, Sir. It is a very plain amendment, very innocent, and all that it aims at is to augment the resources at the disposal of the Agricultural Refinance Corporation. I would like to clarify one point. It has been said here that much money goes from here only to embellish the coffers of the rich people, whether they may be called Jotedars, whether they may be *Magarmachs* or whatever the hon. Members may like to call them.

13 hrs.

I would like to say that this is not a direct financing agency. This is a refinancing body, refinancing through land development banks, co-operative banks and commercial banks, the money going to the farmers. It is for the State Governments, the co-operative and other agencies to see that the money refinanced through this Corporation reaches the proper agency, the proper people, the poor people who really deserve it, people who are going to utilise it not only for their own good but for the good of the country as a whole. Therefore, this misconception has to be removed.

Then a point was made about the need for irrigation, help to other agencies; other avenues like soil conservation, sheepbreeding, coconut cultivation etc. were mentioned. All these are a very necessary part of the scope of this Bill. I do not want to go into details. When we refer to agriculture, we mean agriculture as a whole and all these activities coming within the sphere of agriculture should be receiving the attention of the State Governments. The State Governments are also assisted, not only assisted but encouraged, to make schemes which will eventually assist the cause of agriculture for which this money is going to be used.

A point was raised about the rates of interest. I realise that the ultimate rate for the farmers is between 9 and 10 per cent.

Government are examining the recommendations of the Hazari Committee on differential rates of interest. This matter is already receiving Government's attention.

As for assisting backward areas, coming from a backward State myself, I know that it is the urgent need for the country that regional disparity and imbalance should be removed. We are quite alive to this. It is precisely for this reason that the ARC has been quite conscious of this and is taking steps. I would like to say that we have regional offices and they hold mutual consultations with the State Governments in assisting the State Governments. Annual conferences are also held. They are very keen on this, especially assistance to be given to the backward areas.

Some hon. members mentioned that there is the question of discrimination. I would like to make it clear that so far as the allocation of money through this Corporation is concerned, there is no question of any discrimination.

Reference was made to Orissa. As on 30th June 1968, there was only one scheme which had come from Orissa with a total outlay of Rs. 32 lakhs. But now there are 8 schemes, (upto 15 March 1971) involving an outlay of Rs. 199.51 lakhs. Here also, it is for the State Government to take more active steps and canalise it through the ARC.

The hon. member from Tamil Nadu expressed a slight fear of discrimination. I would make it clear there is no question of discrimination or politics arising here at all. If he would kindly go through the report, he will find that as on 30 June, 1968 there were only 13 schemes in Tamil Nadu with an outlay of Rs. 1142.31 lakhs. This has been increased to 54 schemes and involving an outlay of Rs. 3,234.3 lakhs.

SHRI G. VISWANATHAN : I did not allege discrimination ; I only said it should be generously given.

SHRIMATI SUSHILA ROHATGI : There is no question of generosity ; it is a case of justice.

SHRI G. VISWANATHAN : It is not for the State alone ; it is for the Corporation and the Centre also to join in this.

SHRIMATI SUSHILA ROHATGI : Yes. So far as the Corporation is concerned, it is taking active steps ; its role is to assist the Governments in the States in this regard.

As for the reference to PL-480 funds, it is outside the scope of this Bills and falls within the purview of the Department of Economic Affairs in whose hands it must be receiving attention.

SHRI R. V. BADE : Amount from the PL funds were given for the rehabilitation of agriculture and other industries. Why not it be given to the Agricultural Refinance Corporation ?

SHRIMATI SUSHILA ROHATGI : Now that you have mentioned it, we shall certainly examine it and let you know in course of time how far it is possible to divert it there and utilise it from that point of view.

About loan utilisations certain Members have raised the point, that not only it is a question of giving the loan but to see how far it is utilised. For their information I am happy to quote from the report from which one of the members has also quoted. I would draw their attention to the report of the Board of Directors for 1969-70. On the first page it has been said :

"The growing phase of improvement in the corporation's business was maintained. An even more satisfactory feature of the year's operation was an improvement on the part of the financial institutions, the physical implementation of the schemes and utilisation of refinance sanctioned by the Corporation."

This is something which should receive universal applause and commendation. So, there is no fear as far as utilisation is concerned.

Some Members from this said had raised the question whether horticulture will be included in the definition of the word 'agriculture'. We find there is no legal

[Shrimati Sushila Rohatgi]

difficulty. But there is no formal definition of 'agriculture' which specifically includes horticulture. But there is nothing to stop it. There is no legal difficulty standing in the way. As a matter of fact, horticulture has been included for all purposes, whether financing, taxation, development, etc., in the word 'agriculture'. The ARC has been financing plantation and horticulture all along. So, I feel that fear may also be allayed so far as those Members are concerned.

One hon. Member had asked about Udaipur scheme. I am afraid we do not have the information with us at present. Off-hand, I am not in a position to say anything. If the scheme has been there and is three years old, certainly it will be expedited, I suppose; we shall find out and let the hon. Member know.

About West Bengal, I am sorry the Member from West Bengal...

SHRI MADHURYA HALDAR : I mentioned Orissa and Assam also not only West Bengal.

SHRIMATI SUSHILA ROHATGI : Then it must have been another Member who mentioned West Bengal also. He said that West Bengal has been discriminated against. I do not want to bring politics into this Bill which has received universal approval. I would only like to point out to the hon. Member that probably the schemes have not received that much attention of the hon. Members as the other things are. Because we find on record that West Bengal, in spite of the writing from here, they have not taken initiative in West Bengal. There is considerable scope for minor irrigation development. However, despite repeated efforts of the Agricultural Refinance Corporation, and the availability of reports from groundwater surveys on the basis of which schemes of irrigation development can be formulated, such schemes have not so far been sponsored from the State. Consequently, the Governor of the Reserve Bank drew the pointed attention of the Chief Adviser of West Bengal Government to this fact and

requested him to take steps to adequately strengthen the banking structure. I hope the Members who come from West Bengal so eloquently always condense the *jotedars* and speak for the cause of the common man, should also see that not only politics but also these matters should receive equal attention which are for the real benefit of the common man.

Then, our friend Shri Sarjoo Pandey mentioned certain important points and I think we agree that there is need for an overall improvement in the entire machinery, but so far as this particular matter is concerned, I would only like to say that these matters are receiving the active consideration of the Government.

Shri Deo has mentioned about the marine fishing where fish can take to sea as ducks to water. I think he is not there now. But I say that if he has written to the Government about the scheme—I do not know whether he has written before—and if there is any such scheme I suppose it will receive attention.

With these words, I would like to thank all the hon. Member. I do not think there is any need for the amendment which has been brought in by Shri S. N. Singh, that it should be circulated for eliciting opinion, because I think the opinion is unanimous and if it is to be sent for eliciting public opinion it might be delayed by three months and that would nullify the priority of this Bill.

SHRI SHIVNATH SINGH : May I withdraw it with the pleasure of the House?

MR. SPEAKER : You just say you withdraw. For pleasure I have to seek the leave of the House.

Has the hon. Member leave of the House to withdraw his amendment.

Amendment No. 1 was, by leave, withdrawn.

MR. SPEAKER : The question is ;

"That the Bill further to amend the Agricultural Refinance Corpo-

ration Act, 1963, be taken into consideration".

The motion was adopted.

MR. SPEAKER : The question is :

"That Clauses 2 to 4 and 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

"Clauses 2 to 4 and 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SUSHILA ROHATGI : I move :

"That the Bill be passed".

MR. SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

— — —

13.11 hrs.

CENTRAL BOARD OF DIRECT TAXES (VALIDATION OF PROCEEDINGS BILL)

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI K. R.
GANESH) : Sir, I beg to move.

"That the Bill to provide for validation of certain proceedings in relation to direct taxes and for matters connected therewith, be taken into consideration."

As the hon. Members are aware, the Central Board of Revenue was replaced by two separate boards of revenue called the Central Board of Direct Taxes and the Central Board of Excise and Customs, which were constituted under the Central Board of Revenue Act, 1963. The new Boards come into existence with effect from 1-1-1964. Section 4 of the Central Boards of Revenue

Act, 1963, empowers the Central Government to make rules for the purpose of regulating the transaction of business by each Board and further provides that 'every order made or act done in accordance with such rules shall be deemed to be an order or act, as the case may be, of the Board'. In exercise of this power, the Central Government notified on 1-1-1964 the Central Board of Direct Taxes (Regulation of Transaction of Business) Rules, 1964 which superseded all previous rules on the subject. Under one of the provisions in these rules, the Chairman of the the Central Board of Direct Taxes is empowered to distribute the business of the board among himself and other members and specify the cases or class of cases to be considered jointly by the Board. Such an order can, however, be passed by the Chairman only after obtaining the prior approval of the Central Government.

In exercise of these powers the Chairman had, from time to time, distributed the business of the Board amongst himself and other members but some of these order were passed obtaining only a formal or informal approval of Secretary, Ministry of Finance. It has been brought to the notice of the Government that the validity of such orders is open to challenge on the ground that the procedural requirement of obtaining the approval of the Central Government had not been fulfilled. If this view can be sustained, various actions taken by the Chairman and members of the Central board of direct taxes in the performance of their functions under the income tax Act and other direct taxes enactments may be regarded as being invalid merely on the ground that the member of the Board who performed the relevant function had not been validly entrusted with the necessary powers in accordance with the rules. In fact, in a recent case before the Delhi High Court, the issue of notices by the Income-tax officer under section 148 for re-opening of assessments with a view to bringing escaped income to tax was challenged on ground that the member of the Board who had granted approval to the re-opening of these assessments had not validly been entrusted with these functions as the relevant order relating to allocation of this work had not been made with the previous approval of the Central Government. This

[Shri K. R. Ganesh]

claim of the tax payer has been upheld by the High Court.

Under the provisions of the Income-tax Act and other enactments relating to direct taxes, the functions of the Central board of direct taxes cover a very wide range and include the declaration of foreign associations to be companies for purposes of taxation, distribution of jurisdiction amongst income-tax authorities, approval to the waiver or reduction of minimum penalty impossible in cases of voluntary disclosure of concealed income or wealth, as well as grant of approval to the re-opening of assessments for the assessment or re-assessment of escaped income. The effect on revenue if these actions of the Chairman and members of the Board are vitiated on account of the technical fault in the order of distribution of work amongst the members of the Board would be considerable.

The present Bill seeks to validate all such actions taken in the past, under the Income-tax Act and other direct taxation laws (not being the Estate Duty Act), in pursuance of the schemes for distribution of work amongst the Chairman and Members of the Board obtaining from time to time. The object of the Bill is a limited one, *i. e.* to validate the actions taken by the Chairman and Members of the Central Board of Direct Taxes in so far as the validity of such actions could be open to challenge on account of a procedural infirmity in the order relating to distribution and allocation of work amongst the Chairman and Members of the Board. I trust this short Bill will receive the unanimous approval of this House.

Sir, I move.

MR. SPEAKER : Motion moved :

"That the Bill to provide for validation of certain proceedings in relation to direct taxes and for matters connected therewith, be taken into consideration."

SHRI R. V. BADE (Khargone) : I beg to move :

"That the debate on the Bill No. 92 of 1971, 'The Central Board of

Direct Taxes (Validation of Proceedings) Bill', be adjourned."

I have moved this motion under rule 109, and the reasons are these.

The subject matter of the above Bill is pending in the Supreme Court by Civil Appeal No. 1108 to 1112 (N. T.) 70 of the Secretary, Ministry of Finance, New Delhi, the Central Board of Direct Taxes, New Delhi and Income-tax Officer. The petition of Government has been admitted in the Supreme Court and the petition has been entered in the Registrar of the Supreme Court of India, Civil Appellate Jurisdiction. The Assistant Registrar has asked the Union of India to prepare 20 printed copies of the appeal record and the cost will be Rs. 3,216 and should be deposited in Court in cash within 30 days. This fact has been with held by the hon. Minister while introducing the Bill and the fact that the matter is pending before the Supreme Court by way of appeal by the Ministry of Finance.

The Government cannot bring a Bill to cover and condone the lapses and mistakes of certain officers.

In view of the above facts, when very vital information has been withheld from this august House about the *sub judice* status has not been mentioned in the aims and objects of the Bill, I may be permitted to move the above motion as per rule 109 which reads :

"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

I want to know whether the Government has filed an appeal in the Supreme Court and whether the appeal is pending. If this Bill is passed, will it not affect the appeal in the Supreme Court? Is not the same point at issue in the appeal in the Supreme Court?

Therefore, the matter is *sub judice* and it should not be discussed in the House.

There is also rule 41, relating to Question, which says :

“(xvii) it shall not ask for information on a matter which is under adjudication by a court of law having jurisdiction in any part of India ;

* * *

“(xxii) it shall not ordinarily ask about matters pending before any statutory tribunal”

Similarly, rule 210 (viii) reads :

“it shall not relate to a matter which is under adjudication by a court of law.....”

So, this is the spirit of the rules framed for the guidance of the Members. So, I want a ruling from you on this point, and information from the Minister whether such an appeal is pending in the Supreme Court.

SHRI K. R. GANESH : As I mentioned while moving the Bill itself, the Delhi High Court had given a certain decision in regard to the Dalmia case. Against this decision, the Central Board of Direct Taxes have gone in appeal to the Supreme Court. But the fact that an appeal is pending against the High Court decision does not stand in the way of Parliament passing the validating legislation.

MR. SPEAKER : The minister is right. There are so many rulings on it,

May's Parliamentary Practice says :

“Matters pending judicial decision : A matter awaiting or under adjudication by a court of law should not be brought before the House by a motion or otherwise. This rule does not apply to Bills.”

Some of my predecessors also have held thus. Kaul and Shakhder says :

“The Speaker has held that discussion on a Bill, the subject-matter of which is *sub judice* by virtue of a Bill pending in the Supreme Court is in order, provided

members refrain from referring to the facts of the particular case under appeal, as thereby the debate in the House could not pre-judge the hearing of the appeal by the Supreme Court.”

There are a few other rulings also, but the basic ruling is given in *May's Parliamentary Practice*. It has been elucidated a little by Kaul and Shakhder. So, the Chair will have to be very cautious in conducting the debate. Members also will have to be very cautious about it. So, this Bill can be discussed. Are you withdrawing your amendment ?

SHRI R. V. BADE : It may be put to the House.

MR. SPEAKER : I do not know what is the procedure, whether this amendment should be disposed of now or it may be taken up with other amendments latter. But because this is a basic amendment for the adjournment of the debate, common sense tell us that it must be put first.

The question is :

“That the Debate on the Central Board of Direct Taxes (Validation of Proceeding) Bill, 1971, be adjourned.”

The motion was negatived.

MR. SPEAKER : Now, we will take up general discussion, Shri Panda.

SHRI D. K. PANDA (Bhanjanagar) : Mr. Speaker, Sir, I welcome this Bill which is aimed at validating certain proceedings. With regard to the other thing which is raised on a technical ground that this Bill cannot be passed here in that connection I have to say that when very important things are to be done by introducing a Bill in the greater and larger interests of the country, then there should not be any such technical difficulty that should stand in our way in this Parliament so as to introduce any such Bill.

Now, as for this Bill is concerned, while welcoming this particular Bill I have to say that the Government is lacking in its foresight, in its basic approach and attitude as to

[Shri D. K. Panda]

how to deal with the tax evaders. Just here everybody will agree with me and the hon. Minister will also agree with me that this Bill is only a piecemeal attempt to deal with the tax evaders. It is these tax evaders who have been cheating the country, cheating the Government exchequer and this gives rise to creation of black-money by big industrial businessmen and rich persons.

13 26 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

MR. DEPUTY SPEAKER : May I draw your attention that the Bill is confined to the question of validating certain proceeding and not the whole question of tax evasion.

SHRI D. K. PANDA : I draw the attention of the hon Minister to the fact that where any thing comes before the Supreme Court or before the High Court then only such a Bill will be introduced to validate particular proceedings. If that thing goes on continuously then there will be no end to it. Because as it has been evident from the past, several such Bills had introduced and several Acts were left with lacunae that the big capitalists and rich persons evade the tax. So, the Income Tax Act has to be drastically changed so as to deal sternly with such persons who are evading tax.

MR. DEPUTY-SPEAKER : The Minister has said that the whole Income Tax Act will be looked into afresh.

SHRI D K PANDA : My friend in the ruling party, Dr. V. K. R. Varadaraja Rao has categorically declared that this Government is lacking in declaring a specific and definite policy as to how to deal with these tax evaders. That is why here again in (b) "No suit or other proceedings shall be instituted against the Government or any other persons or authority whatsoever on the ground that any such act, proceeding or thing was not done or taken in accordance with law." Now, here again "something done either on behalf of the Government or on behalf of that Board"—that is not there.

Having had some experience of the practice of income-tax law in certain appeal

matters, I can boldly say that such lacunae are left, whether deliberately or not. The reason might be that this Government is wedded to the interest of the capitalist class.

I want to be very categorical on this point and say that Government should take comprehensive steps and form a committee to discuss the legal aspects of this matter so as to bring about a thorough change with regard to the Income-tax Act.

Not only that, there are connected Acts also, which have to be changed. This is not the whole Act or the whole proceedings. Several Bills have to be introduced. Instead of doing that, in view of the Bhoothalingam Committee report, the Direct Taxes Inquiry Committee report and recommendations and of Mr. Kaldor, an European expert, who has pointed out that Rs. 350 crores of income-tax has been evaded by these big business and other rich class people, in the Parliament itself let there be a committee comprising of different persons who have got the acumen and experience in legal direction to change the law completely and drastically so as to deal sternly with such persons who are tax evaders.

Then, there is the reported allegation — it is widely rumoured; it is in the air—that some of the Members are also in huge arrears. Sir, charity begins at home. Let us set up some ideal so that we can deal with such persons outside. Therefore, a Bill can be introduced so that under the people's Representation Act, section 7, it is a disqualification and such Members, who are in arrears and who have not paid their arrears of income-tax in spite of notice, could be dealt with. A period of six month should be given and if they do not pay and obey Parliament, they should be declared as disqualified to continue.

In the Income-tax Act there is absolutely no penal provision. At present the penal provision is only imposition of a penalty of some amount of money. It is only the middle class and some few rich people who are attacked and on whom some penalty is imposed. To deal with the real tax evaders, who are evading huge sums and are creating black money, there must be a penal provision. They must be declared criminals in first round and throughout India if must be

publicised. If within a period of six months they do not pay, they must be sent to prison.

So, while accepting this Bill, I have given these suggestions so that they could be kept in view and future legislation could be made.

*SHRI J. M. GOWDAR (Nilegris) Mr Deputy Speaker Sir, I would like to say a few words on The Central Board of Direct Taxes (Validation of Proceedings) Bill, 1971.

Sir, the basic reason for introducing this Bill is that powers of the Direct Taxes Board have not been well defined and the prior approval of the Government had not been taken by the Board for re-assessment of income which had escaped assessment. During the period from June 1964 to July 1969, the Chairman and the Members of the Board had been functioning in certain respects without the prior approval of the Government and as a result the issue was taken to the court of law. With a view to validating the proceedings of the Board during this period, this Bill has been introduced by the Government.

Sir, for five long years, the Board of Direct Taxes has been acting *quo motu* though the Rule 4 of the Central Board of Direct Taxes (Regulation of Transaction of Business) Rules, 1964 specifically provided that the previous approval of the Central Government should be taken. How did the Chairman of the Board and the Members function when they knew all the while that they had to take the previous approval of the Government of India? I would say that such important rules are not easily understandable to both the Officers and the assessee alike. That is why the Government are often placed in such a predicament of coming before this House with such Bills. The Bhoothalingam Committee in its report has given many illustrations of such rules which confound the intelligence of the people concerned. The Committee has made recommendations in this regard that the rule should be clearly and simply worded so that they may be easily comprehensible to the people and also there may be no complications in the implementation of rules. I request that the Government should implement the recommen-

ditions made by the Bhoothalingam Committee in this respect.

I do not for a moment say that it is wrong to re-assess the incomes that escaped earlier detection. The evaders of income tax should not be allowed to go scot-free. But the Board of Taxes should have strictly observed the requirements of rules, specially when the Board has very highly paid officials to assist it.

I may be permitted to state that the purpose of the Bill is merely to 'white-wash' the unpardonable lapses on the part of the Board and the Government. Whenever the Government find themselves in a soup they seek the protection of this House. They must realise that not only the valuable time of the House is wasted in such legislations but also public money is squandered. Here, I would say that the Government must stop at once the tendency to criticise the courts of law. The Courts of Law do nothing but interpreting the rules framed by the Government and in the interest of justice and fairplay wherever there are procedural infirmities, they seek to highlight them. They always go by the basic requirements expected of them. I don't think they can be found fault for judging the lacunae in the framework of rules and regulations. I would like to impress upon the Government that they should not allow these kinds of lapses to recur frequently. Finally I would suggest that the Income tax rules should be made easily understandable both to the Officers and assessee.

श्री आर. बी. बड्डे (खरगान) उपाध्यक्ष महोदय, यह जो सेंट्रल बोर्ड आफ डाइरेक्ट टैक्स (वैलिडेशन ऑफ प्रोसीडिंग्स) बिल लाया गया है, उस का मैं विरोध नहीं कर रहा हूँ। मैं चाहता हूँ कि इस प्रकार के टैक्स का जो अमेसमेंट होता है, जिस का इवेज होना है वह ज्यादा से ज्यादा रिग्लाइज किये जायें, लेकिन मेरा मुख्य उद्देश्य तो यह कहने का है कि यदि सेंट्रल बोर्ड आफ डाइरेक्ट टैक्स की प्रोसीडिंग्स के वैलिडेशन के लिये गवर्नमेंट आफ इन्डिया को अनुमति चाहिये थी

*The original speech was delivered in Tamil.

[श्री भार. बी बड़े]

तो वह 1964 से 1969 तक क्यों नहीं मिली। अब गवर्नमेंट दिल्ली हाई कोर्ट में डालमिया का केस हारी तब उस की अपील में वह सुप्रीम कोर्ट में गई। वह अपील अभी पेन्डिंग है सुप्रीम कोर्ट में। उस के बाद उन को 3,000 रु डिपॉजिट करने की आज्ञा दी गई है। उस में अफिडेविट की पिटेड कापिया भी देनी चाहिये ऐसा लिखा है। लेकिन एम्स एन्ड आब्जेक्ट्स में इस के बारे में नहीं लिखा है। इस का कारण यह है कि जो इन्कम टैक्स का आफिस है उस की हालत इतनी खराब है, सारा इन्त-जाम इतना लूज है कि जब तक कोई हाई कोर्ट का दरवाजा न खटखटायें तब तक उन की प्रकल ठीक नहीं होती। इस के पास गवर्नमेंट पालियामेंट के पास दौड़ती है, पालियामेंट में बिल लाती है कि उस का वैलिडेशन किया जाये। 1964 से 1969 तक आप ने क्यों इस को नहीं किया। इस का कोई कारण नहीं बतलाया गया है। अब उनको यह रिप्रलाइजेशन हुआ है कि उनका सेंट्रल गवर्नमेंट में परमिशन लेनी चाहिये थी, संकशन लेनी चाहिये थी। मैं जानना चाहता हूँ कि आप ने संकशन क्यों नहीं लिया था? इस के वास्ते कौन जवाबदेह है इस तरह से हाईकोर्ट में अपील पर पब्लिक का पैसा खर्च करने के लिये? इस तरह का जो व्यवहार होता है उस के लिये कौन रिस्पॉसिबल है? इस के बारे में शासन ने कुछ नहीं किया है।

हाई कोर्ट में या दूसरी कोर्ट्स में जो केसिस पेन्डिंग हैं उन केसिस पर इस का क्या असर होगा, इसके बारे में आपने लिखा है :

rule, or other thing or action given made, granted, issued, done or taken or purporting to have been given, made, granted issued, done or taken by the Central Board of Direct Taxes "

इस भाषा का आपने इसके सम्बन्ध में उपयोग किया है। फिर भी जो लूपहोल रह जायेंगे उन का जिक्र उन केमिस में जो अपील में गये हैं ग्रदालतो में आयेगा। वहां पर भी इस प्रकार के और मवाल उठ खड़े होंगे। शासन का जो व्यवहार है कि जब कभी वह हाई कोर्ट में हार जाता है तब दौड़ना हुआ पालियामेंट के पास आ जाता है और चाहता है कि जो लूपहोल नज़र आया है उसको प्लग किया जाये और जो लुकने है उनको भरा जाय, ठीक नहीं है। इस तरह से हर बार पालियामेंट का दरवाजा खटखटाना ठीक नहीं है। जो टैक्स इवेड करते हैं, उनका पक्ष मैं नहीं लेता हूँ और न उन के पक्ष में मैं हूँ। लेकिन हाई कोर्ट से किसी का अगर न्याय मिलता है तो उस न्याय के विपरीत आचरण करना, उस न्याय से उसको वंचित करना और रिट्रोस्पेक्टिव इफेक्ट किसी चीज को देना ठीक नहीं है। जो भी गल्ट होते हैं उनको आप रिट्रोस्पेक्टिव इफेक्ट से लागू नहीं करते हैं। लेकिन इसको आप रिट्रोस्पेक्टिव इफेक्ट देना चाहते हैं और 1964 से 1969 तक जो गलतियाँ हुई हैं उन पर पर्दा डालना चाहते हैं। मैं इस समय शासन की केवल टीका करना चाहता हूँ, इसका विरोध मैं करना नहीं चाहता हूँ।

जो मैंने एम्बेडमेंट दिया है, उनको बाद में भूल करूँगा।

"Notwithstanding any judgment, decree or order of any court, tribunal or any other authority, no approval, declaration, determination, recognition, direction, instruction, notification, order or

SHRI DINFISH JOARDER (Malda) : In this Bill there is nothing very important or serious to dilate upon in as much it envisages only that certain proceedings of the Central Board of Direct Taxes should be validated so that it may not come in con-

frontation with the judgement of the Delhi High Court, in connection with the case of *Shri R. Dalmia vs. Union of India and others*.

But the opportunity that led this case to be brought to the High Court is one to the functioning of the Board itself and the members of the Board. It is only due to such functioning and the irresponsible and hazardous activities of the members and Chairman of the Central Board of Direct Taxes that gave opportunities to the Capitalist Dalmia group to bring this to the High Court and also these activities gave opportunities to the tax evaders and the capitalist monopolists to frustrate the tax provisions and the tax rules that are enforced in the country and thereby the tax evaders and the monopoly capitalists are taking opportunity from such activities of the Board and the administration of the Central Revenues Department and that is why the activities and functions of the members of the Board of Direct Taxes should also be discussed in this connection.

It is the order, and this has become a practise in the administration of the Board and also in administration of the Tax Department, the Revenue Department, which give encouragement to tax evaders and the black-marketeers to accumulate such a huge amount of black money, and now, to-day, about Rs. 1000 crores has become the outstanding figure of unpaid income taxes, and these are due to non-payment of income taxes by big business houses like Birlas, Dalmias, Jains, etc. Similarly, there are unaccountable number of tax evasion cases and there is also the problem of black money, and all this has created a problem in our country that the black money is now running parallel in competition to the white money, the regular currency, in the country. No stringent efforts or strong measure have been taken against such tax evaders or accumulation of black money so far by the Board of Revenue or the Central Board of Direct Taxes or the Finance Department itself.

In this context I would like to submit that this sort of activities and functions

should be thought of once again and strict measures should be taken and if necessary the entire legal structure and the statutes should be reconstituted and a new law should be enforced so that these arrears of taxes may be recovered and black money seized. The reason which necessitated bringing forward this bill, namely, the irresponsible and haphazard activities of the members of the Board should also be condemned and censured. I would request the hon. Minister to take these facts into account and, while not opposing this Bill, I would request that some strong measures should be taken to check and seize black money and arrears of income tax should be realised and you should also see that the functions of these Boards are discharged according to the Acts and the provisions contained therein so that no encouragement or opportunity is given directly or indirectly to the monopolists, capitalists and the blackmarketeers to take chance to evade taxes and form black currency parallel to regular currency.

SHRI SURENDRA MOHANTY (Kendrapara) : The Bill is unexceptionable in its purpose, with which I may not have any serious difference. But I am opposed to certain tendencies which this Bill reveals in an unabashed manner. There are various lapsed and various acts of omission and commission by the executive, to validate which, the authority of judicial bodies—like high courts and the supreme court—are being tampered with so very lightly. I am no admirer of the judiciary. Nor am I a great admirer of the executive either. So long as you have distribution of functions in the democratic set-up where you give judiciary a particular role to discharge and to operate within its own ambit, it is a very serious day for our democracy indeed if, to validate our own wrong actions we seek to tamper with that authority. The hon. Minister is usually very eloquent, but that amplitude of his eloquence was lacking when it came to the genesis of this Bill. According to me there is more than what meets the eye in this Bill.

SHRI K. R. GANESH : I have not yet spoken.

SHRI SURENDRA MOHANTY : That is much worse still. You take the House so much for granted that you don't have the necessity to speak at all.

SHRI K. R. GANESH : I take the House very seriously and that is why something which I say comes from serious consideration. You said, I am otherwise very eloquent, but while moving this I was not eloquent. Therefore I say, I have just moved the Bill and I have not spoken. I am sorry if I have disturbed your chain of thinking.

SHRI SURENDRA MOHANTY : I was submitting, you are eloquent otherwise but you are so laconic when it came to moving this Bill.

MR. DEPUTY-SPEAKER : You wanted a better speech from him.

SHRI SURENDRA MOHANTY : Yes, revealing all the skeletons in the cupboard.

As I was saying, the genesis of this Bill is very intriguing. As the Statement of Objects and Reasons states, in the case of *R. Dalmia vs the Government of India*, the Delhi High Court had passed a certain order because a certain amount of income of the Dalmias had 'escaped assessment', and when a subsequent notice had been issued for reassessment, that action had challenged in the Delhi High Court. The hon. Minister may kindly take the trouble of letting this House know whether that escape was deliberate or accidental, how it came to the notice of the Central Board of Direct Taxes or the authorities concerned whether they have made any investigations into the matter, and whether the authorities that were entrusted with that job had deliberately evaded the assessment. We would like to know whether that escape was deliberate or accidental. However, after the escape was noticed and detected the notice had been issued by a member of the Central Board of Direct Taxes who had no authority to do so.

The hon. Minister has said in the course of his brief speech that during all these five years, the Government of India have been giving formal or informal

approval to various divisions of duties among the members of the Board of Direct Taxes. This only emphasises in what cavalier fashion the Government had been functioning.

The Central Board of Direct Taxes is a statutory body created under the authority of this very Parliament, and its functions are well delineated in the statute. The hon. Minister owes a reply to this House as to why Government or the Finance Minister did not approve of the division of duties among the various members of the Board as a result of which a member had to sanction the issuing of a notice for which he had no authority. As I was saying, this once again emphasises and highlights how this Government is treating in a most cavalier fashion the most sacred principles and objects which we are all eager to uphold.

I have no quarrel with the aims and objects of this Bill, but what I am disturbed about is the cavalier fashion in which the Government has been functioning and how in seeking to validate its invalidated actions it is tinkering with the judiciary.

SHRI K. R. GANESH : This is a very simple Bill. It only seeks to rectify certain procedural infirmities that have come to the notice of the Central Board of Direct Taxes. But the discussion has gone on to the entire working of the board of taxes and also to the tax arrears and various other things.

As I had pointed out while moving the Bill, the chairman of the Central Board of Direct Taxes is empowered to distribute the business of the board among himself and other members in specific cases to be considered jointly by the board. Such an order should have the prior approval of the Central Government. What was done was that the chairman took the approval, formal and informal, of the Finance Secretary.

SHRI SURENDRA MOHANTY : Was it formal or informal ?

SHRI K. R. GANESH : I have indicated that already. Let me read it out again.

SHRI SURENDRA MOHANTY : I am not asking this question in a spirit of partisanship. I would just like to have information on one point, can he define what is informal approval and how it is distinct from formal approval ?

SHRI K. R. GANESHI : In exercise of these powers, the chairman had from time to time distributed the business of the board amongst himself and other members but some of these orders were passed after obtaining only a formal or informal approval of the Secretary, Ministry of Finance.

Sir, this is a procedural infirmity that the orders of the Central Government which means the orders of the Minister were not taken and orders of the Finance Secretary were taken. It was found out by the Board and it is what is sought to be rectified.

It may be said that it is a lapse, but it is not a lapse in the direction of helping somebody, it is not a lapse in that direction of all the cases that the hon. Members have tried to make. It is, of course, a procedural lapse and the hon. House has certainly a right to ask that when the rules were very specific that the orders of the Central Government were to be taken, why this procedure was not gone into. But it is a lapse which does not vitiate any proceedings which the Board has taken.

You take this particular case of Dalmia. After all it is the Board which authorised re-assessment. The matter was before the Delhi High Court and the Delhi High Court considered this and on the basis of this procedural defect, the assessee was given the benefit.

The basic point is that the re-assessment of the income was authorised by the Board, a Member of the Board and in pursuance of this duty, certain defects were found. Therefore, Sir, as I told, this is a very small procedural infirmity which this Bill tries to validate because it will involve a large number of cases. A considerable amount of income is involved and it is necessary to validate all the proceedings that have been taken only for the specific purpose that wherever this defect has been there, that defect should be removed.

Sir, the hon. Members have, of course, gone on to the larger questions of various other things. Shri Panda mentioned that this is a piece-meal attempt to deal with the tax evaders. This Bill does not deal with tax evaders ; it deals only with removing an infirmity that has been found in the procedure. It is not that in the assessment of cases or various other things that are there, which the hon. Members have mentioned, the Board can be criticised on that.

Some hon. Members, Sir, have also criticised the irresponsible actions of the Chairman of the Board and all sorts of things. I do not want to go into all these things, but it is necessary to see that this particular procedural defect that was found out was only a defect of technical nature and this should not be used for an attack on the entire working of the Board.

The entire question of tax arrears and various other things have been discussed in this hon. House. Only the other day, the Finance Minister mentioned that the evasion is a serious matter and it has to be tackled in a vigorous manner. There is no doubt about that. What the Department itself is doing, it is also necessary that that should be brought before the hon. Members.

If you take the tax arrears, from 1964 to 1970 there has been a continuous increase in the realisation of tax arrears. The collection of taxes arrears is :

1964-65	—	59.94 crores
1965-66	—	63.85 crores
1966-67	—	62.76 crores
1967-68	—	100.52 crores
1968-69	—	110.52 crores
1969-70	—	129.75 crores
1970-71	—	159.61 crores (provisional)

Therefore, this aspect has got to be kept in mind that there has been a continuous increase.....

AN HON. MEMBER : What about tax arrears ?

SHRI K. R. GANESH : We have supplied all the facts that you wanted ; no facts have been hidden. If he asks me a question like this, I will not be able to give an answer off hand. What I was trying to say was from 1964 till 1970-71, there had been a continous increase in the collection of arrears.

14 hrs.

The arrears were estimated at Rs. 1,000 crores. This is not correct. As on 31-12-70, the net arrears are Rs. 565.73 crores. Hon. members are confusing the gross demand with the net arrears. The gross demand is Rs. 731.54 crores and the net arrears Rs. 565.73 crores. Of these quite a lot to be written off. Some relate to persons who have left for Pakistan, to Indian registered companies which are in Pakistan and various other things—I have got the details here but I do not wish to take the time of the House on them. My only intention in saying this is that it is a matter of genuine concern to us that such large arrears have accumulated.

SHRI D. D. DESAI (Kaira) : Several times such demands are made on an arbitrary basis and they are also included in this figure. Unfortunately, it gives a false impression to members here.

SHRI K. R. GANESH : That is one difficulty. There are so many procedures so far as income tax laws are concerned ; it takes a lot of time for the department to get through all the hurdles. Speaking yesterday on the Appropriations Bill in the other House, I expressed my personal view that the taxation laws are heavily weighted in favour of the assessee. There are various procedures through which the machinery has to go ; there is the Appellate A-stt. Commissioner, there is the Appellate Tribunal ; on points of law, the assessee can go to the High Court and the Supreme Court. Over and above that, he can take advantage of art. 226. I am told in one High Court alone, there are 800-900 cases pending on this score. *

This is a serious problem. The Finance Minister mentioned this morning that in the context of the huge problem of resources we are facing with the Bangla Desh refugees increasing every day, it is necessary to see that all these arrears are realised in the shortest possible time. It is also necessary to create a climate against such social crime in the country. The crime of tax evasion should be considered on par with other social crimes. It is also necessary to have a second look at some of our laws to see if more deferent and penal provisions cannot be incorporated. As I said yesterday, our resources position is becoming tighter ; with the narrow tax base we have and the expectations of the people rising, with the need of more resources becoming urgent, we have to generate the necessary resources in the most effective manner and shortest possible time. I Commend the Bill.

MR. DEPUTY SPEAKER. The question is :

"That the Bill to provide for validation of certain proceedings in relation to direct taxes and for matters connected therewith, be taken into consideration."

The motion was adopted

MR. DEPUTY-SPEAKER : We shall now take up clause-by-clause consideration.

Clause 2—(Validation of certain proceedings)

SHRI R. V. BADE : I move :

Page 2, after line 11, insert—

"Provided that this section will not have any effect on the pending suits or appeals or proceedings in any Civil or Revenue Court or High Court." (2)

I just want to explain this amendment. In clause 2, it is said, "Notwithstanding any judgement or decree..." etc. If the judgement or decree has already been passed, then it is all right. But if it is pending in the Court, it is *sub judice*, and then this provision will not be made applicable, because

here the language of the clause is like this. In the case of decrees passed or judgment already delivered, then, of course, it will have effect. But if it is pending already in the court, this enactment will have no effect. That is my point in this amendment.

श्री शशि भूषण (दक्षिण-दिल्ली) उपाध्यक्ष महोदय, यह बहुत महत्वपूर्ण बिल तो नहीं है लेकिन अतिप्रावश्यक है। हमारे जो न्यायालय हैं उनके प्रति श्रद्धा प्रकट करते हुये भी इतना कह सकता हूँ कि यह एक साधारण सी प्रक्रिया की त्रुटि थी, उन को जनहित को अपने सामने धकेल रखना चाहिये था। इस त्रुटि के रहते हुये न जाने कितने और डालमियाँ बच सकने थ, इसी लिए इस संशोधन को लाकर मंत्रालय अपनी जिम्मेदारी को पूरा कर रहा है।

अभी हमारे माननीय सदस्य श्री आर. बी. बड़े ने कहा कि जो केस अभी तक न्यायालय के सामने पेंडिंग है और या जिन पर फंसला हो चुका है, उन को इस प्रक्रिया में शामिल न किया जाय। लेकिन मैं यह समझता हूँ कि जब भी कोई गलती सामने आ जाये, तो उस गलती को दूर करना ही चाहिए। हालाँ-कि यह बड़ी साधारण-सी त्रुटि थी, लेकिन पता नहीं माननीय सदस्य का हमेशा ऐसा रुख क्यों रहता है कि जिस से टेक्स-इवेडेंस छूट जाय। इस से सरमायदारी का लाभ होगा, जनता का लाभ होने वाला नहीं है। कुछ सदस्यों की यह नीति रही है कि अदालत की आड़ में जो टेक्स-चोर हैं, उनकी मदद करें, अदालत का पर्दा हमेशा सामने रखा जाता है। मैं अदालतों के बारे में तो कुछ नहीं कह सकता हूँ, लेकिन इतना अवश्य कहना चाहता हूँ कि यदि कोई साधारण त्रुटि रह जाय तो उन्हें भी जनहित को पहले देखना चाहिये, बजाय इस के कि वह उनको छोड़ दें।

उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करता हूँ और चाहता हूँ कि सरकार एक कम्प्रोमिस बिल लाये, जिससे कि अभी कोई

भविष्य में त्रुटि न रह जाय—क्योंकि सर-मायदारी के हाथ बहुत लम्बे होते हैं, हमारे अफसर जब रिटायर होने हैं तो रिटायर होकर सरमायदारी के एडवाइजर बन जाते हैं, रिजर्व बैंक के उच्च-अधिकारी, या डायरेक्टर, उनके कार्यालय में नौकरी कर लेते हैं, उनको सलाह मशविरा देने है, जिससे वह टेक्स चोर छूट जाने हैं। आपने अभी बतलाया कि 560 करोड़ रूपया टेक्स चकाया है। पहले तो उन पर टेक्स ही कम लगता है, जो बड़े बड़े पूंजीपति हैं उन पर कम लगता है और जो छोटे हैं उन पर ज्यादा लगता है। उसके बाद फिर अदालतों में जाते हुए, दिवाला निकालते हुए, सरकार के पास कुछ नहीं पहुँच पाता है। इसलिए जरूरी है कि बांट के अधिकारों को बढ़ाया जाय और अपनी अदालतों और न्यायालयों को ऐसे अधिकार दें, जिनमें उन के हाथ मजबूत हो, ताकि जो टेक्स चोर हैं, वह उनके हाथ से न छूट सकें। यह बहुत बड़ी जिम्मेदारी है—जैसा कि अभी मंत्री जी ने कहा, बंगला देश का प्रश्न हमारे सामने है—यह बिल्कुल सही बात है, युद्ध के बादल हमारे देश पर मट्टा रहे हैं, ऐसे समय में टेक्स की चोरी बरगने वाले भी उतने ही बड़े देश के दुश्मन हैं, जितने देश पर हमला करने वाले हैं, उन दोनों में कोई फर्क नहीं है। टेक्स की चोरी को आनरेबिल आफिस न समझा जाए, समाज में ऐसे व्यक्ति की इज्जत नहीं बढ़नी चाहिए, बल्कि इसको क्रिमिनल आफिस समझा जाय। मैं तो यह चाहता हूँ कि जो टेक्स की चोरी करते हैं उन को डिक्लेयर किया जाय उनकी लिस्ट छापी जाय। आज तक बड़े टेक्स चारों को सजा होते वहाँ देखा गया है, डालमियाँ भी थोड़े में छूट गये, बहुत से और भी छूटने वाले हैं, जो भी पकड़ा जाए, उसके साथ सख्त कार्यवाही होनी चाहिए। हम सब

[श्री शशि भूषण]

को मिलकर ऐसा प्रयत्न करना चाहिए कि टैक्स चारों के बिनाफ सगरे बर्यागही हो, जिस बिना उन जनता न हमको यहा चुन कर भेजा है, वह हमसे एसी ही आशा रखती है ।

SHRI K R GANISH The imend ment of the hon Member is not acceptable because it will defeat the very purpose underlying the Bill I wish to clarify his doubt It may be mentioned that the proceedings which are pending before the appellate authorities courts on matters other than relevant to the validity of the action taken by the income tax department on account of the procedural irregularity will not be adversely affected by the proposed legislation

MR DEPUTY SPEAKER I shall now put the amendment of Mr Bude to the vote of the House

Amendment No 2 was put and negatived

MR DEPUTY SPEAKER The question is

"That Clause 2 stand part of the Bill

The motion was adopted

Clause 2 was added to the Bill

MR DEPUTY SPEAKER The question is

"That clause 1 the Enacting Formula and the Title stand part of the Bill "

The motion was adopted

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI K R GANESH Sir I beg to move

"That the Bill be passed "

MR DEPUTY-SPEAKER The question is

"That the Bill be passed "

The motion was adopted

14 12 hrs

STATUTORY RESOLUTION RE MYSORE STATE ELECTRICITY BOARD

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI K R
GANISH) Sir I beg to move the following
Resolution

"Whereas in pursuance of sub-section (3) of section 65 of the Electricity (Supply) Act 1948 (54 of 1948) the Government of Mysore has with the approval of the Mysore Legislative Assembly, fixed under its Order No PWD—100 LTB 69 dated 15th November, 1967 the maximum amount as rupees fifty crores for the purposes of sub section (1) of the said section 65 with effect from the 10th September, 1969 ,

and Whereas the Government of Mysore proposes to raise the aforesaid maximum amount to rupees seventy five crores ,

And Whereas the Mysore Legislative Assembly has been dissolved ,

And Whereas under the proclamation dated 27th March, 1971, issued by the President under article 356 of the Constitution, the powers of the State Legislature are exercisable by Parliament ,

Now, therefore, it is hereby resolved that Lok Sabha do accord approval to the proposal of the Government of Mysore to fix, under sub-section (3) of section 65 of the Electricity (Supply) Act,

1948 (54 of 1948), the maximum amount as rupees seventy-five crores which the Mysore State Electricity Board may at any time have on loan under sub-section (1) of the said section 65."

Section 65 (3) of the Electricity Supply Act, 1948, which fixes the borrowing limit of Electricity Boards at Rs. 10 crores, empowers the State Governments to fix higher limits with the approval of the State Legislative Assembly. The limit of Rs. 10 crores was fixed 23 years back; higher limits have been allowed by the State Governments with the approval of the State Legislatures to enable the Electricity Boards to finance their power programmes. In the case of Mysore State Electricity Board, the borrowing capacity was increased to Rs. 50 crores in November, 1969. As indicated in the background note circulated in connection with the Resolution, the amounts borrowed by the Board outstanding at present aggregate Rs 4999.88 lakhs. The Mysore State Electricity Board cannot thus raise additional resources through borrowings from the market, LIC, etc unless the borrowing limit is raised further.

The Mysore Government has proposed to fix the maximum amount of borrowing at Rs. 75 crores. Since the State is under the President's rule and Mysore Legislative Assembly has been dissolved and the powers of the State Legislature are exercisable by the Parliament, approval of the House is sought to fix the Mysore State Electricity Board's maximum borrowing at Rs. 75 crores.

The note already circulated gives necessary details in support of the proposal. If any further points are raised, I shall endeavour to cover them in my reply.

MR. DEPUTY-SPEAKER : Resolution moved :

"WHEREAS in pursuance of sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the Government of Mysore has, with the approval of the Mysore Legislative

Assembly, fixed under its Order No. PWD-100 FEB 69, dated 15th November, 1969, the maximum amount as rupees fifty crores for the purposes of sub-section (1) of the said section 65 with effect from the 10th September, 1969 ;

AND WHEREAS the Government of Mysore proposes to raise the aforesaid maximum amount to rupees seventy-five crores ;

AND WHEREAS the Mysore Legislative Assembly has been dissolved ;

AND WHEREAS under the Proclamation dated 27th March, 1971, issued by the President under article 356 of the Constitution, the powers of the State Legislature are exercisable by Parliament ;

NOW, THEREFORE, it is hereby resolved that Lok Sabha do accord approval to the proposal of the Government of Mysore to fix, under sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the maximum amount as rupees seventy-five crores which the Mysore State Electricity Board may at any time have on loan under sub-section (1) of the said section 65."

*SHRI T. V. CHANDRASHEKHARAPPA VELRABASSAPPA (Shimoga) : Mr. Deputy Speaker, Sir, while supporting the statutory resolution in regard to the Mysore Electricity Board I would like to say a few words. This resolution ought to have been passed by the State Legislature but because the State is now under the President's rule, Parliament has been called upon to approve of the same.

Since the inception of the Mysore State Electricity Board, Government have been giving loans to the Board quite often. In spite of their best efforts, the Board has not been in a position to increase its revenue to repay these loans. There are several reasons for this. I would like to touch

*The original speech was delivered in Kannada.

[Shri T. V. Chandrashekharpappa Veerabasappa]

upon them. The Mysore Electricity Board have drawn up several plans for rural electrification, but the progress so far has not been upto expectations. I hail from Sharavathy area where electricity is generated. To enable the construction of the Sharavathy project, many people had to be displaced from that area. Though they have been resettled near about the project area oddly enough these village have not been supplied with electricity for which they are entitled as a matter of course. Then certain people have sacrificed their homes and lands for larger good of the State, it is ironic that these are the very same people who have been denied the benefits from the projects for which they sacrificed so much. When that is the position whom then are they going to help ?

In my area electricity is being supplied to the consumers at a concessional rate. In the areas of Soraba, Sigara, Hosanagar and Thirthahalli, the Electricity Board has not been meeting the demand for power. This accentuates the intra-regional imbalances in regard to the distribution of power should be done away with. It has also been noticed that the officers responsible for the distribution of the power endeavour to see that they supply only to those regions from where they hail. This is not just and it should be the policy of the Board to supply power to the farmers who are the backbone of the society and who require to bring about the green revolution.

In some of the Malnad villages there are only four to six houses in each village. The policy of the Electricity Board is to supply power to areas where they would get a revenue of the order of 6 to 7 per cent on the cost of installation for supply of electricity. Since the Board would not be in a position to get the return of 6-7% from these Malnad villages, this should not be made a pre condition for the supply of electricity to them.

Another point I would like to mention is the supply of defective meters by the

Board to the consumers. I had many a times represented this matter to the Electricity Board in vain. Licences should not be given to those companies who manufacture defective meters. The poor farmers are blamed for owning defective meters and are sometimes prosecuted. The Board is to be blamed. But the poor farmers are penalised for no fault of theirs. The vigilance squad of the Electricity Board frequently visits the villages and harasses the villagers on this account.

The Electricity Board blames the farmers with the plea that the defect is due to mis-handling of the meters by the farmers. I got some of the meters tested and found this allegation baseless. I took up this matter with the Chairman of the Board who are satisfied with my complaint and was convinced of the inherent defects in the meters. But even then no action seems to have been taken to remedy the situation. I, therefore, request that they should supply meters of good quality and save the farmers from unscrupulous harassment.

In regard to the Mysore Electricity Board I have one more point to high light. The squad vigilance squad of the Board pays surprise visits to arecanut and betel leaves farms and impose fine on the owners of some flimsy grounds because of defects in the meters. The people are prosecuted and the court normally takes 6 months to decide a case. Pending decision of the court the Board collects the fine to the extent of Rs. 1000 to 2000/- which is beyond the capacity of farmers.

The Chairman of the Board is at present empowered to withdraw cases where fines are imposed to the extent of Rs. 250/-. This limit should be raised to Rs. 1000/-. The fault might be either of the department or of the farmers. Till the Court decides the case the estates will the without water supply causing untold suffering and loss to these farmers. There are instances where estates worth lakhs of rupees became arid due to non-supply of water, resulting in colossal loss to the farmers.

Recently I had met the Chairman of the Electricity Board and suggested to him to amend the rules in this regard to obviate hardships to the farmers.

The vigilance squad should take effective steps to see that the industrial units do not misuse the power supplied to them.

In regard to the supply of cement concrete poles I would like say that since the civil engineers employed by the Board are not fully employed throughout, the manufacture of these poles should be supervised by the civil engineers with the help of some technicians. The Government should supply them cement and raw materials. They can then manufacture even 500 poles per month with the quality much improved. For this purpose, Centre should supply the requisite raw materials at controlled rates to the Board. There are facilities for the manufacture of poles in Sharavathy. If the manufacture is taken up departmentally, there will be reduction in the cost of production and the Board can save lakhs of rupees. This would also solve the problem of un-employment to some extent.

There is a move to retrench about 400 workers employed in Mahatma Gandhi Hydro Electric Project. This is not just and human in the present context of un-employment. This has been brought to the notice of Mysore State Electricity Board and transferred to some other power corporation.

Under the President's Rule, people thought that the conditions would improve. But it is unfortunate otherwise inasmuch as even the profitable industrial units are supplied with electricity at concessional rates. I suggest that industrialists should not be given any concession in the matter of supply of electricity.

There is a Caustic Soda factory in Karwar. This factory has been making enormous profits and electricity is supplied to the factory at concessional rates. This is improper. There should be a uniform rate and the Board should not succumb to any pressure from vested interests for supply of power at concessional rates. These are some of the aspects in regard to the management and functioning of the State Electricity Board which require looking into immediately and I hope the Minister would take personal interest in this direction to put the Board on a better footing.

SHRI D. D. DESAI (Kaira) : Mr. Deputy-Speaker, Sir, Mysore has grand opportunity of collecting a very large revenue out of Sharavathi project. Why is it necessary for it to raise further amount seems to be a question. It is clear that if the Board was operated on commercial basis with its own balance-sheet it should be able to generate large amount of funds which could be ploughed back for further development of electricity board's various expansion programmes. As it is it has surplus power. It has limitation in respect of transmission lines but when they put up new transmission lines I would suggest they do on basis of extra high tension voltage main lines because as it is we have at the most 220 K.V lines. I would strongly suggest in view of the huge power block they have, 430 K.V lines or so should be for their new transmission requirements.

Then, there is a small suggestion. Mysore collects large revenue from the sale of power to other States as well as within the State. These funds should not be diverted to non-Plan expenditure. Particularly if these amounts are isolated from the Government's normal revenue or expenditure, it may be possible for Mysore to build up its own reserves out of the sale of large blocks of power to neighbouring States. The rates in Mysore are also low. Probably, it may be possible for the State Board to improve its revenue position also by adjusting its rates with those of adjacent States.

There is also a little deficiency. The purchase which the Mysore Electricity Board makes may be made on technical and commercial grounds and not on any other consideration which is not really of great interest to the Mysore Electricity Board.

SHRI K. R. GANESH : This borrowing has become necessary because Mysore State Electricity Board has an ambitious programme of electrifying about 8,500 villages every year from 1971-72. The objective is to electrify all the villages in the State in the next five years. Out of 2.64 lakh villages in the State, 1.04 lakh villages have already been electrified up to the end of March 1971. In addition, 1.32 lakh pump sets have already been energised up to the end of May, 1971. The Board

[Shri K. R. Ganesh]

Mysore State Electricity Board may at any time have on loan under sub-section (1) of the said section 65."

The motion was adopted.

has a programme of energising 30,000 pump sets during this year and 95,000 pump sets during the remaining two years of the Fourth Plan. As a result of this ambitious programme of rural electrification and energising of pump sets, it was necessary to have this borrowing and I seek the approval of this House of the same.

The various other suggestions, which hon. Members have made, will be taken into consideration and will be passed on to the Mysore State Electricity Board and the Mysore Government.

MR. DEPUTY-SPEAKER : The question is :

"WHEREAS in pursuance of sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the Government of Mysore has, with the approval of the Mysore Legislative Assembly, fixed under its Order No. PWD-100 EEB 69, dated 15th November, 1969 the maximum amount as rupees fifty crores for the purposes of sub-section (1) of the said section 65 with effect from the 10th September, 1969 ;

AND WHEREAS the Government of Mysore proposes to raise the aforesaid maximum amount to rupees seventy-five crores ;

AND WHEREAS the Mysore Legislative Assembly has been dissolved ;

AND WHEREAS under the Proclamation dated 27th March, 1971, issued by the President under article 356 of the Constitution the powers of the State Legislature are exercisable by Parliament ;

NOW, THEREFORE, it is hereby resolved that Lok Sabha do accord approval to the proposal of the Government of Mysore to fix, under sub-section (3) of section 65 of the Electricity (Supply) Act, 1948 (54 of 1948), the maximum amount as rupees seventy-five crores which the

14 33 hrs.

PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF WORKS AND HOUSING
(SHRI I. K. GUJRAL) : Sir, I beg to move :—

"That the Bill to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters, be taken into consideration."

This is a very simple and perhaps a very controversial Bill. It has come here because of some legal lacuna which has cropped up as a result of the judgment of the Delhi High Court.

This Act was passed first by this House in 1958 and was working for quite some time. It had the same provisions as those of the Punjab Public Premises Eviction Act of 1959. That was struck down by the Supreme Court. Since our Act was in conformity with the provisions of the Punjab Act in several areas, we first passed an Ordinance and then an Act in 1968. But this was struck down by the majority judgment of the Delhi High Court in 1970. Although the Government has gone in appeal against that judgment, since it is taking a lot of time, we thought that it would be better for us to come here with a revised Bill on the lines indicated by the judgment itself. The judgment of the High Court has itself suggested that we should come here with this new Bill and meet the lacunae that were pointed out in the earlier Act.

The main lacuna in the earlier Bill was that the Estate Officer had two remedies open to him, either to try the case himself and take appropriate action as a quasi-judicial authority or to take the case to a civil court and let the case be decided there. The High Court felt that it was

contravention of the Constitution because this gave two options to the Government, either to go to a quasi-judicial authority or to the judicial authority itself. This, they said was, contravention of article 14 of the Constitution, that it was not equality to all citizens. Therefore, we have revised the Bill. The option has been closed in that the Estate Officer cannot refer the cases to a civil court. He will act as a quasi-judicial authority himself and decide the cases as he thinks best. The remedy for appeal is there. If any aggrieved party wishes to go to the District Judge or the competent authority at that level, he can do so against the judgement of the Estate Officer.

Sir, this Bill is very non-controversial one. But it has been causing a great deal of difficulties. Since it has been struck down, the number of cases pending has piling up. In Delhi, for instance, we have about 18,074 pending cases and in the country as a whole, about 73,000 cases are pending because the Estate Officer could not function.

This has also resulted in mounting up of rent arrears. In Delhi, rent areas of public premises are to the order of about Rs 71 lakhs and in the country as a whole, keeping in view the general pool and some other authorities and bodies, they are to the tune of Rs. 2.11 crores. This is a great drain on the resources of the country and on the Ministry as well. Therefore, we have come here to request the House to kindly consider this Bill and pass it.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters, be taken into consideration."

There is an amendment to the consideration motion by Shri S. N. Singh. The hon. Member is not present. So that is not moved.

SHRI BIREN DUTTA (Tripura West) : Mr. Deputy-Speaker, Sir, as such I am not opposed to the Bill. But I find that in this

Bill the municipalities have not been taken into consideration. Some panchayats and municipalities would also like to have the power. The Bill must contain some provision authorising the municipalities and in some cases, panchayats to have the power.

I have serious misgivings about clause 5 of the Bill. Only last evening while replying to the Half-an-Hour discussion relating to a Starred Question, the hon. Minister expresses his difficulties of homeless people in India as a whole. Here the clause empowers the authority to evict persons in a manner without any consideration to their future. In the definition of the unauthorised occupants of public premises, there should be some proviso. In many cases, there are persons occupying some premises, having no other premises within the knowledge of authority or authorities or their agents for years together. So, these people cannot be termed simply as unauthorised persons and you cannot evict them in a manner as is proposed by clause 5 (1) and (2). Thus, this Act will create more difficulties in backward areas like the State of Tripura where even some new towns are coming up and especially there are people living there for generations together but have no documents of occupation as in the case of Tripura. I will refer to one hydro electric project which is going to be started. The work is going on there. The tribal people there have been given any record as such, as there is no settlement and land record. So these people who are living there for centuries are now going to be evicted because they cannot produce any evidence of their authority before the evicting officer.

In the region where oil exploration is going on, there also some eviction of such people is taking place and in many towns, there are people of the lower rungs, especially, Harijans and backward people who have no land but they are staying in some places and within the knowledge of the authorities for a long time. Now the problem has come for expansion and yesterday, from what I understood, the Minister also feels that we must provide accommodation for such people also. So, the Act is necessary. But, there must be

[Shri Biren Dutta]

some clear understanding about the future of these people and the Bill must contain some section where in such people who are residing in the premises within the knowledge of the authority for more than 3 months must be categorised in a different way than those persons who are illegally occupying premises and have the wherewithal to go the court and create trouble for the Government. This is the first point I would like to make.

In clause 4 there is a summary process of eviction. This will create trouble for poor people who are ignorant. They must be given notice of eviction. Otherwise, it will become troublesome for them. Especially I must mention of clause 5 (1) and (2). In these two clauses as they are worded here and taking the meaning it connotes, I oppose these two clauses and I will request the Minister to change them in such a manner as I have said that the unauthorised occupant is defined and categorised clearly so that those people who are for a long time staying they must not be summarily evicted without providing alternate places for their accommodation. And, even in one clause the authority can demand compensation for such occupations. All these are good for those people who are knowingly obstructing the activities of the Government in this manner, but this will not be applied in favour of the weak people as we are seeing all spheres of our lives, these big people do not get punished but the small fry are punished, brought to book and fined. These things should be borne in mind.

Section 11 makes the provision that the aggrieved party can go to the Court. There also I would request that there must be a clause allowing those poor people to go to the courts against the order of the authorities, free of charge. They must be given the facility to appeal to the court free of charge. Otherwise they will not be able to go to the court and get justice and we must see that justice is not denied to these persons. So, I appeal that Clause 4 may be amended as suggested by me. With regard to sub clauses (1) and (2) of Clause 5, with reference to punishments given in

cases below Rs 500, if these people occupying lands have got only Rs 5,000, they should not be charge-sheeted and brought to book. If all my amendments are accepted and if no proceedings against the person below Rs 5,000 is taken,—if all these are incorporated in this Bill—I will accept it.

श्री कमल मिश्र मधुकर (केसरिया)

उपाध्यक्ष मोदीय, यह जो बिल सरकार लाई है वह इस लिये है कि जो सरकार का 1958 का विधेयक था उस के कुछ पन्ने पर न्यायलयों में आपत्ति आ गई। फिर वेमा ही पंजाब सरकार ने कानून बनाया और अब उस पर भी आपत्तियाँ आ गई। उन कानूनी आपत्तियों से बचने के लिये यह बिल लाया गया है।

मेरा मानना पड़ना है कि जो बिल है वह बिल्कुल निर्विवाद है, लेकिन जब गौर में उस को देखा जाता है तब यह बिल ऐसा नहीं लगता है। आखिर अन्यायराइज्ड आकुपेशन होता क्यों है? मेरे खयाल में उस का दो तीन बजट है। सरकार न कभी देश उस को देखने की कोशिश की है। सरकार को खुद समझना चाहिये कि इस देश में जो अधिक बनावट है, जो समाज की रचना है, उसी के कारण यह अन्यायराइज्ड आकुपेशन होता है। इस में बहुत बड़ी भूमिका इन बातों की है और इस देश में 51 परसेंट लोग ऐसे हैं जिन के पास बसने के लिए भूमि नहीं है, डेढ़ एकड़ से अधिक जमीन नहीं है। ऐसी स्थिति में यह सोचना कि गरीब लोग, भूमिहीन लोग नाजायज बच्चा कर लेते हैं। मैं जानता हूँ कि छोटे छोटे दुकानदार लोग म्यूनिसिपैलिटीज से और दूसरी जगहों पर छोटे छोटी दुकानें बना कर भोपडिया बना कर रहते हैं। उनको कहिये कि वे अन्यायराइज्ड अक्वपेट हैं तो कानून में यह बात ठीक हो सकती है, कानूनी ढंग में इसको सही माना जा सकता है लेकिन ऐसे छोटे लोगों को उजाड़ने के लिए आपको कानून में संशोधन करने की

कोई जरूरत नहीं है। हमारा अनुभव है और दूसरे और भी बहुत से मामलीय सदस्यों का यह अनुभव होगा कि बहुत से शहरों में और बिहार में भी बहुत से छोटे छोटे दुकानदार बसे रहते हैं, अपनी दुकानें बना लेते हैं, और उनको अनआथोराइज्ड आक्युपेंट कहा जाता है और अधिकारी लोग पुलिस को ले कर आते हैं और पुलिस वाले लाठियों से उन मकानों और दुकानों को तोड़ देते हैं और उनको वहां से हटा देते हैं। लेकिन उनके बाद फिर वे वही आ कर बग जाते हैं और अधिकारियों को घूम दे कर वही बैठे रहते हैं। यह जो उत्रउने का और बमने का मिश्रण है यह जारी रहता है। मैं जानना चाहता हूँ क्या कि क्या सरकार ने ऐसा कोई सर्वे किया है कि इस देश में वड़ी संख्या में जिन लोगों ने अनआथोराइज्ड आक्युपेशन कर रखा है, वे लोग कौन हैं, किस श्रेणी के हैं? उन में से कितने ऐसे हैं जो बड़े बड़े जमींदार पूंजीपति, प्रभावकारी लोग हैं, कितने ऐसे हैं जिन्होंने सामाजिक चेतना के अभाव में कब्जा कर रखा है और कितने उन में भूमिहीन हरिजन लोग हैं, गरीब लोग हैं, या दूसरे लोग हैं? जहां तक बड़े बड़े लोगों का सम्बन्ध है जिन्होंने अनआथोराइज्ड आक्युपेशन कर रहे हैं उनके सम्बन्ध में सरकार के जितने भी कानून हैं वे पंगु बन जाते हैं, अधिकारियों को जितने अधिकार दे रहे हैं, वे खत्म हो जाते हैं आप भी वहां असमर्थ हो जाते हैं। लेकिन जो छोटे लोग हैं, उनको हटाने के लिए आपका कानून बड़ी तेजी से चलने लग जाता है। इस वास्ते आपके जो पूंजीपति हैं, बड़े बड़े लोग हैं उन में और जिन्होंने अज्ञानतावश आक्युपेशन कर रखा होता है या जो छोटे छोटे लोग होते हैं उन में भेद करना होगा। सामाजिक चेतना के अभाव में जिन्होंने सार्वजनिक स्थानों को आक्युपार किया होता है, उसकी तरफ भी

आपको विशेष ध्यान देना होगा। अगर इन सब चीजों पर आपने ध्यान दिया होता और कोई दिशा दिखाई देती तो इस बिल को लाने का जो आपका उद्देश्य था उसको समझा जा सकता था लेकिन देश में जो बुनियादी समस्याएँ हैं, उन पर आप ने ध्यान नहीं दिया है।

मंत्री महोदय जब उत्तर दे तो स्पष्ट करें कि क्या इस बिल का सही ढंग से इस्तेमाल होगा? अगर जो छोटे लोग हैं और जिन्होंने सार्वजनिक स्थानों पर कर कब्जा किया हुआ है और गैर कानूनी ढंग से किया हुआ है, उन पर जुल्म डाल कर अगर उनको बेदखल किया जाएगा तो हमें असन्तोष और भी बढ़ेगा। इस बिल में ऐसी व्यवस्था होनी चाहिये कि जो भूमिहीन हैं, जो कम आमदनी वाले लोग हैं और उन्होंने किसी मजदूरी के कारण सार्वजनिक स्थानों को आक्युपार कर लिया है तो उनको अधिकार दिया जाए कि वे वहां बने रह सकें। अगर आप उनको यह अधिकार नहीं दे सकते हैं और आप समझते हैं कि दिल्ली में मजदूरों का विस्तार करना है या किसी और प्रान्त की किसी मजदूर का विस्तार करना है और इस वास्ते उनको वहां से हटाना जरूरी है तो उनको इसका मुआवजा मिलना चाहिये अगर यह भी आप नहीं कर सकते हैं तो ऐसी व्यवस्था आपको जरूर करनी चाहिए उनको उखाड़ने से पहले कि आप उनको बसाने की पहले से व्यवस्था कर दें। वरना आप उनको शरणार्थी बना देंगे। उखाड़ने से पहले उन के लिए दूसरी जगह का प्रबन्ध कर दिया जाना चाहिये।

दिल्ली का हमारा अनुभव यह है कि यहां भुगगी भोहड़िया जमना के इस पार और उस पार भी हैं जिन में हरिजन आदि बसे हुए हैं। इधे तरह कि यहां बहुत सी बस्तियां हैं। ये बस्तियां पुरानी दिल्ली और नई दिल्ली में भी हैं। अब उनको उखाड़ कर आप उनको शरणार्थी नहीं बना सकते हैं। आप कहते हैं कि कानून

[श्री कमल मिश्र मधुकर]

की नजरों में सब बराबर है। लेकिन यह गलत बात है। यह बुर्जुआ थ्योरी है। कानून में सभी बराबर कभी नहीं होते हैं। कगजों पर बराबर हो सकते हैं लेकिन वास्तव में बराबर नहीं होते हैं। इस वास्ते ये जो चीजें हैं इन पर ध्यान देना बहुत जरूरी है। ऐसे लोग जिन्होंने कानून की अवहेलना की है और कानून से जब उनको सहायता नहीं मिली तो जो सामयिक लोग थे उन्होंने ही उच्च न्यायालय में जा कर पेटिशन दी और उसका नतीजा यह हुआ कि कानून में संशोधन लाने कि आवश्यकता आपको महसूस हुई। पहले जो माननीय सदस्य बोले हैं उन्होंने कहा कि अगर आप किसी की हटाने जा रहे हैं तो हटाने से पहले आप इस पर ध्यान दें कि वह कम आमदनी वाला आदमी है, गरीब है, भूमिहीन है, हरिजन है या कोई बाढ़ आदमी है। अगर छोटा आदमी है तो उसके प्रति आपकी एक विशेष प्रकार की जिम्मेदारी हो जाती है। उनको हटाने में अगर जबर्दस्ती की जाएगी मानवीय मूल्यों का त्याग कर दिया जाएगा तो इसका नतीजा यह होगा कि जनता में संतोष नहीं हो पाएगा और हरिजनों, भूमिहीनों, आदि की जो समस्याएँ हैं, उनका निदान नहीं हो पायगा।

इस में जुर्माने की बात की गई है, सजा देने की बात सोची गई है। अपील की इजाजत भी इस में दी गई है। मैं चाहता हूँ कि आप इस पर भी ध्यान दें कि ऐसे जो छोटे छोटे लोग हैं उनको सहूलियतें मिलें ताकि वे कानून की सुविधाओं को प्राप्त कर सकें और न्याय पा सकें।

कानून में एक और संशोधन करने की जरूरत है। आपने कहा कि आठ-दस दिन का जो काज नोटिस दिया जाएगा। उसने थोड़े दिनों का जो काज नोटिस देने से

काम नहीं चलेगा। जिस के पास दो सौ या दो हजार की पूंजी है उससे आप कैसे यह भासा करते हैं कि वह अन्यत्र कहा इस थोड़ी सी अवधि में अपना मकान या दूकान बना ले और वहा जा कर बस जाए। नोटिस की जो अवधि है इसको आपको बढ़ाना होगा। नोटिस के बाद कार्रवाई की अवधि आपको बढ़ानी होगी। इन तमाम गरीब आदिमियों के लिए आपको सोचना पड़ेगा। अगर वे हटना चाहेंगे तो हट जाएंगे। लेकिन अगर वे हट नहीं सकते हैं किन्हीं मजबूरियों के कारण तो उनको बसाने की व्यवस्था आपको करनी होगी।

जो बड़े लोग हैं और जिन्होंने अनआधो-राइज्ड ढंग से कब्जा किया हुआ है उन पर सख्ती होनी चाहिये, उनके खिलाफ कानूनी कार्रवाही होनी चाहिये। मैं चाहता हूँ कि सभी महोदय बतायें अपने उत्तर में कि कितने ऐसे लोगों के खिलाफ उन्होंने कानूनी कार्रवाही की है और इन लोगों की संख्या कितनी है जिन्होंने पब्लिक प्रेमजिज पर अनआधोराइज्ड ढंग से कब्जा किया हुआ है। ऐसा प्रबंधन होना चाहिये कि उन पर कानूनी कार्रवाई हो सके, उन पर जुर्माना हो सके, उनको सजा मिल सके और उनको जेल भेजा जा सके। इन लोगों ने ही इस देश के साथ और समाज के साथ एक तरह का अपराध किया है और सार्वजनिक स्थानों को निजी रखावों के लिए इस्तेमाल किया है।

अधिकारी अगर कोई गड़बड़ी करते हैं, गलत ढंग से इस कानून को प्रमल में लाते हैं तो उसने लिये कोई सजा की व्यवस्था नहीं की गई है। इसका नतीजा क्या होगा? जो प्रभावशाली लोग हैं, जो पैसे वाले लोग हैं वे उन से मिल जायेंगे और अपना गैरकानूनी कब्जा बनाए रखेंगे लेकिन जो गरीब लोग हैं, परिजन हैं, भूमिहीन हैं, उन पर तरह तरह के जुल्म किये जायेंगे। ऐसी अवस्था में कानून का सही

ढग से पालन हो और अधिकारी ठीक से व्यवहार करें, इसकी देखभाल की व्यवस्था होनी चाहिये, इसकी भी इसमें गुजाइश होनी चाहिए। कानून का प्रमल सही ढग से और जनहित में होना चाहिए। अगर जनहित में नहीं होगा तो गरीब लोग पिस जायेंगे और जो लूपहोल कानून में होते हैं उनसे बड़े लोग फायदा उठावेंगे और वे इसकी जड़ से बच जायेंगे। मैं चाहता हूँ कि इस घोर भी आपका ध्यान जाना चाहिए।

कुछ तो वे लोग हैं जो बड़े लोग हैं और जिन्होंने सार्वजनिक स्थानों पर अपने प्रभाव के कारण या अपने पैसों की बल पर कब्जा किया हुआ है और दूसरी तरफ गरीब लोग हैं जिन्होंने मजदूरियों के कारण कब्जा किया हुआ है या मध्यम वर्ग के लोग हैं या ऐसे लोग हैं जिन्होंने अज्ञानतावश कब्जा किया हुआ है। हमारे देश में सभी चेतना पैदा हो जानी चाहिए थी कि सार्वजनिक स्थानों के प्रति लोगों में प्रतिष्ठता की भावना पैदा हो और अगर कोई उनको आक्रुपाई करे तो उनसे वह उन स्थानों का बचाव करे। हर नागरिक के अन्दर ऐसी भावना पैदा करने की जरूरत थी कि वह समझे कि यह सार्वजनिक स्थान हमारे अपने हैं, ये हमारे देश के हित के वास्ते हैं इसलिये हमें काशिश करनी चाहिए कि कोई इनको आक्रुपाई न करे और अगर कोई आक्रुपाई करता है तो कानून के जरिये वे इनका आक्रुपेशन न होने दें। ऐसी कोशिश होनी चाहिए कि सार्वजनिक स्थानों के प्रति लोगों में चेतना पैदा हो, आदर का भाव पैदा हो।

मैं अन्त में चाहता हूँ कि इस आशका को आप निमूल कर दें कि इसका इस्तेमाल भूमिहीनों पर, गरीब लोगों पर, छोटे लोगों पर मध्यम वर्ग के लोगों पर कड़ाई से किया जाएगा और न्यायोचित ढग से इसको लागू किया

जाएगा, इसका भी मनी महोदय अपने उत्तर में आश्वासन दें।

*SHRI J M GOWDER (Nilgiris) Mr Deputy Speaker Sir, the Public Premises (Eviction of Unauthorised Occupants) Bill, 1971, which is now under discussion, has become necessary to confer some authority on the Estate Officer to take action for eviction of unauthorised occupants of public premises. In 1958 an Act was passed for this purpose. But some provision of the Act were struck down as *ultra vires* of Article 14 of the Constitution on the ground of unfair discrimination. Government amended this Act in 1968 and even this Amendment did not stand the test of judicial review, with the consequence that the original Act together with the Amendment Act were declared void.

The Government have brought forward this Bill removing the lacunae which led to the fall of the earlier Acts. Speaking on a Bill brought for similar reasons early this morning, I pointed out that, in spite of having a hierarchy of highly paid officials and a plethora of institutions consisting of draftsmen with all the cumulative legal wisdom, approval of this House is sought again and again for this kind of faulty legislation. You will appreciate, Sir, that such exercises every now and then involve wasteful expenditure of public money and the Government are solely responsible for this. It will not be improper for this House to expect from the Government legislations without loopholes and costly lapses.

Sir, I am not opposed to eviction of unauthorised occupants from public premises. But, at the same time the Government have to bear in mind the difficulties faced by certain section of our society. Take, for example, the retiring Central Government employees. After putting in onerous and arduous labour for 30 or 35 years they retire at the age of 55 or 58 years. The Government mercilessly ask them to vacate the residences immediately after their retirement. It is easily said than done. Have the Government ever thought of their problems after retirement? Have the Government prepared any scheme for helping the retiring employees so far as providing them alternative accommodation is concerned? It is not such a tremendous task for the Government to

[Shri J M Gowder]

provide them some kind of alternative accommodation and charge them some reasonable rent. If the Government act like a greedy landlord and are concerned only with the eviction of their erstwhile employees, I don't think we can say that the Government have shown any mercy for the meritorious and dedicated service rendered by those people

15 01 hrs

[SHRI K N TIWARI *in the Chair*]

You know, Sir, the pitiful plight of the Government employees living in cities and towns. If a retiring Government employee desires to have a abode of his own can he do so with his meagre savings in the face of spiralling prices of urban land and other construction materials? His life's savings will not be enough even to purchase a small plot of land in an urban centre let alone the question of building a house. I am not bothered about highly paid officers as they can fend for themselves. I am really concerned about the low paid employees who are on the verge of retirement. I am of the view that the Government must do something concrete for the welfare of this section of our society.

Sir according to Section 9 (2) (a) of the Bill, an appeal must be preferred by the affected within 15 days from the date of publication of the order. Do you think Sir that it is possible to do this within 15 days? Ordinarily one month's time is given for filing an appeal, but here this is shortened to 15 days. As this is a complicated issue I would request that at least 3 months' time should be given so that the matter can be properly framed and argued in a court of law. It is woefully inadequate to give 15 days' time for preferring an appeal in this matter. I request that suitable amendment giving three months time should be made in this Bill.

With these few words, I conclude.

SHRI D N TIWARY (Gopalganj)

Mr Chairman I agree with the hon Member from Kesaria that the law should be no respecter of persons whether he be low or high. Of course, in the case of indigent

persons, some consideration should be given and some time may be extended.

सभापति महोदय : श्री शिवनाथ सिंह खड़े हो रहे हैं, लेकिन अब उनको एमेडमेट मूव करने के लिए एलाऊ नहीं किया जा सकता है।

श्री शिवनाथ सिंह (भु.भ.नु.) मैंने जान-बूझ कर अपनी एमेडमेट मूव नहीं की है। मैं इस बिल पर बोलना चाहता हूँ।

SHRI D N TIWARY The judgment of the Supreme Court and the Delhi High Court give the Government no option but to bring this Bill. The Government are now helpless in evicting persons who have occupied the buildings or quarters even after the due date is over. We know very high officials who have retired but are still occupying big bungalows and the Government is helpless to evict them because the Supreme Court judgment and the High Court judgment has made the old Act void. It seems that if this procedure goes on the Government will have to build twice the number of quarters for Government servants than what they are doing now because no person wants to go outside Delhi even after retirement. There are several such cases. Even in the case of the Members of Parliament in some cases they do not really vacate the houses, some members are still in occupation of those quarters today even when they have ceased to be M.P.s and the Government is helpless to evict them.

I also know that there are some people who in order to capture Government vacant lands take possession of them and make it as some sort of a religious place, some masjid or some temple or something like that. Then the Government is afraid to touch them and that land goes out of the possession of the Government and the Government cannot utilise that land. Some action should be taken or some law should be made to make them vacate those place also irrespective of the religious prefusions if any building or temple or mosque was not standing there before the Government's possession of the land.

Even in the railway lands and premises, somebody builds a temple or a mosque and the flow of traffic is hampered and the Government cannot take action in regard to the unauthorised occupation. Previously there was no such thing. The Government should make such a law so as to clear those places. Otherwise, any building or any house or land which is with the Government and which anyhow is taken possession of by some people, cannot be vacated and they cannot be evicted. This is a very peculiar situation, and I do not know what the Government is going to do about it.

I know hundreds of places are like this hundreds of acres in the States have been illegally occupied. After this Bill is enacted, the Government should also bring in a supplementary Bill to take possession of those places which they are afraid now to take possession of, because of religious sentiments or something else. So, I request the Government to consider the whole matter afresh. Let them pass this Bill. Let them deal mercilessly deal with those persons who are in illegal occupation of the buildings or land, but if due to some manoeuvre or anything like that, they leave some persons to occupy the building and observe strictness in the case of the poor, that will be more discriminatory.

What we are afraid of is that those who are going to operate this Bill may not fall into some sort of manoeuvre of the high officials occupying the building, or big men occupying land or building. Therefore, I request the Government to use this law uniformly.

I do not agree with my friend that the land occupied by the poor should not be touched. There cannot be two laws, one for the poor and one for the rich. The only concession that can be made is to give some time to the poor to vacate the land not more than that. If he leaves out the place occupied by the poor and takes only the places of the rich, it will be a discrimination and the Act will be void in the Supreme Court and the High Court. I request him to enforce this law uniformly for all.

जी. आर. बी. बड़े (सरगोन) : माननीय सभापति महोदय, मैं इस बिल का इस लिए

बिरोध कर रहा हूँ कि इस बिल में इस्टाब्लिशमेंट का प्राबोधान है, उस में उन लोगों के लिये जिन के पास पहले से कब्जा है, कोई एक्सेप्शन नहीं रखा गया है। रीसेट कब्जा हो तो उस को निकालने के वास्ते मुझे कोई आपत्ति नहीं है, लेकिन जिन के पास 1864 से कब्जा हो तब से उस पर बड़े बड़े मकान बनाये हैं, जमीन को साफ़ किया है, बाद में वह जमीन दूसरों को भी हस्तांतरित हो गई है, उन के लिये मुझे आर्जेक्शन है। इस दृष्टि से 'एन्कोन्सेन्ट आफ़ लैंड' की जो डेफिनीशन दी गई है उस पर मुझे आपत्ति है।

मैं एक उदाहरण देता हूँ—दिल्ली में सदर बाजार है—यह एक जूना मौका था, जिस का नाम पहले "जहानुमा" था। 1864 लोग वहाँ पर रहते चले आये हैं। उनके पूर्वजों ने वहाँ पर जमीन साफ़ कर के मकान बाँधे। शुरू में 8 आने प्रति 100 स्क्वायर फीट के हिसाब से उस वक्त की स्युनिस्पल कमिटी ने उन को हस्तांतरित करने के हक़ दिये। उस के बाद 1924 में फिर बन्दोबस्त हुआ, उन को लीज़-होल्डर माना गया। 1951 तक सब ठीक चला और उन पर कोई संकट नहीं आया। लेकिन 1951 में उन पर टर्मिनेशन आफ़ लीज़ का नोटिस दिया गया। 1952 में एक ट्रस्ट का निर्माण हुआ—दिल्ली इम्प्रूवमेन्ट ट्रस्ट—उसने 5 रु. प्रति 100 स्क्वायर फीट के हिसाब से जमीन का लीज़ रिन्सू किया। इस पर दिल्ली इम्प्रूवमेन्ट ट्रस्ट से शिकायत की गई और कमीशन ने इन के हक़ों का निरीक्षण कर के 6 साल के लिये यानी 1955 तक जून ही रेट कायम रखे। उस के बाद दिल्ली डेवेलपमेन्ट अथॉरिटी ने दिल्ली इम्प्रूवमेन्ट ट्रस्ट का कब्जा लिया और फिर 1962 में फिर से लीज़ टर्मिनेट करने का फैसला हुआ। उस के बाद दिल्ली डेवेलपमेन्ट अथॉरिटी ने फिर लीज़ कायम रखने का तय किया लेकिन रेट बढ़ा दिये। इन्होंने 10 रु. प्रति 100 स्क्वायर फीट के हिसाब से बाँज करने का फैसला

(श्री आर. वी. बड़ें)

किया और पिछले रियस भी इसी हीसाब से बकाया निकाले। 1-7-1967 से डी. डी. ए. ने उन से डेमेज मांगना शुरू किया या 20 साल का रेंट मांगना शुरू किया। इस के अलावा इन से हाउस टैक्स भी लिया जाता है।

अब जहाँ तक इस बिल का सम्बन्ध है—यदि किसी नये व्यक्ति ने किसी ज़मीन पर कब्ज़ा कर लिया है तो उस को निकालने के बारे में मुझे आपत्ति नहीं है, लेकिन जो जूना कब्ज़ादार है, जिस ने उस पर मकान बना रखा है, उन को अगर निकाला जायगा तो फिर उन को कहीं रखा जायगा। बहुत सी प्रापर्टी हस्तान्तरित ही चुकी है, उस पर मकान बने हुए हैं उन को निकालना उचित नहीं है.....

श्री डी० एन० तिवारी : उन को कम्पेन्सेशन दिया जायगा।

श्री आर० वी० बड़ें : अगर आप के ज़मीन हावी तो आप को मालूम पड़ता। आप ने इस में अनअथोरिज्ड की डेफिनीशन देते हुए कहा है।

“unauthorised occupation”, in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.”

यानी 6 साल के वास्ते उन को लीज़ दी गई, अब अगर इस माल वह टरमिनेट होती है तो क्या हमारा शासन उन को निकालने जा रहा है—यह एक बहुत बड़ा सवाल हमारे सामने है। उन को रहने के वास्ते मकान देंगे—नहीं,

उन को वहाँ से निकाल देंगे तो वे कहीं जायेंगे। इस एक्ट के बारे में पूरी दिल्ली में इस वक्त डिस्ट्रिब्यूशन है। लोग कहते हैं कि शासन क्या करने जा रहा है, पार्लियामेंट के मेम्बर इस तरफ़ देखते हैं या नहीं देखते हैं।

एक दूसरी बात भी है—अगर यह कानून पास हो जाता है और लोग कर्ट में जाना चाहें तो आप ने कोर्ट के दरवाजे भी बन्द कर दिये हैं। आज कल यह एक नई बात शुरू हो गई है—

“No court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person...”

यह बड़ा डेजरस सैक्शन है, अगर लोगों के लिये कोर्ट के दरवाजे बन्द किये जाते हैं तो यह जूरिस्प्रूडेंस के खिलाफ़ है, नैचुरल जस्टिस के खिलाफ़ है, यह ठीक नहीं है।

How can you close the doors of the courts?

आप कोर्ट का दरवाज़ा कैसे बन्द कर सकते हैं। इस वास्ते मुझे इस पर आब्जेक्शन है और मैंने अपना अमेण्डमेन्ट दिया है।

मेरी आप से यही विनती है कि जो जूने-लीज़ होल्डर्स हैं, जिन को वहाँ पर रहते हुए वर्षों हो गये हैं, जिन्होंने कई मन्ज़िला मकान बना लिये हैं उन को वहाँ से निकालने का प्रावीज़न इस में नहीं होना चाहिये।

श्री शिवनाथ सिंह : माननीय सभापति जी, जहाँ तक इस बिल की भावना का सवाल है, मैं इस का समर्थन करता हूँ क्योंकि हम इस बात को मान कर चलते हैं कि हमारे समाज में कोई भी आदमी ऐसा न हो जो कानून को अपने हाथ में ले और जबरदस्ती कहीं घुस जाय,

इस लिये इस बिल में अनअथोराइज्ड परसन्ज को इविक्ट करने का जो प्रावधान रखा गया है, मैं उस का समर्थन करता हूँ।

लेकिन इस के साथ ही हमें यह भी देखना पड़ेगा कि यह सवाल क्यों उठता है? पब्लिक प्रेमिजेज की जो डेफिनीशन है, उस में सैन्डल गवर्नमेन्ट की बिल्डिंग्ज, कारपोरेशन की बिल्डिंग्ज, लिमिटेड कन्सर्न्ज की बिल्डिंग्ज आती हैं। मैं आप से यह निवेदन करना चाहता हूँ कि ये बिल्डिंग्ज दो प्रकार की होती हैं—एक रेजीडेन्शियल परपजेज के लिये और दूसरी आफिशियल परपजेज के लिये। जहाँ तक आफिशियल परपजेज का सवाल है, मैं इस बात से सहमत हूँ कि उन बिल्डिंग्ज में अगर कोई दखल करता है तो और भी ज्यादा स्ट्रक्ट कानून बनाना चाहिये, लेकिन जहाँ तक रेजीडेन्शियल बिल्डिंग्ज का सवाल है, हमें देखना चाहिये कि हमारे सामने क्या प्राबलम है। देश से कितने आदमी आज बेघरबार हैं। हमारी सरकार जो एक समजवादी सरकार है, हम समाजवाद की ओर बढ़ रहे हैं, जनता को सोशल-जस्टिस देना चाहता है, हम चाहते हैं कि देश में कोई भी बेघरबार न रहे, जो भी भारत का नागरिक है, उस को रहने के लिये मकान न मिले। इस ओर सरकार कदम भी बढ़ा रही है। लेकिन हमें देखना होगा कि सरकार की तरफ से या कारपोरेशन की तरफ से जो मकान बनाये जा रहे हैं, वह स्कीम क्या है? आज छोटे कर्मचारियों के लिये जो मकान बनाये जा रहे हैं, वे बड़े दूर बनाये जा रहे हैं, दम-दस और पन्द्रह पन्द्रह मील से उन लोगों को साइकल पर आना पड़ता है, जब कि बड़े बड़े अफसरों के लिये नजदीक में बनाये जाते हैं, उन को केवल डेढ़-दो मील से ही आना पड़ता है, इसी बजह से लोगों के अन्दर असन्तोष बढ़ता है, जो इस अनअथोराइज्ड-आक्कूपेशन को उन के अन्दर प्रबोध करता है। हमें इसके लिये अपनी सामाजिक व्यवस्था को ठीक करना होगा। जब तक यह व्यवस्था ठीक नहीं

होगी, सब को रहने के लिये मकान नहीं मिलेगा, तब तक यह समस्या हल नहीं होगी। बल्कि मुझे तो एक खतरा दिखाई देता है—जब देश के अन्दर लोगों को मकान नहीं मिलेंगे, लोगों के अन्दर यह भावना पैदा होगी कि उन के साथ इन्जस्टिस हो रहा है, तो फिर उन के अन्दर यह भावना बढ़ेगी कि ज़बरदस्ती कब्ज़ा कर लो।

जो मकान एलाट किये जाते हैं, उन के अन्दर भी फेवरेटिज्म चलता है, वहाँ भी करप्शन होता है। हमारा एलाटमेन्ट का जो सिस्टम है, वह बड़ा डिफेक्टिव है, जिन का 15 साल का क्लेम है उन को मकान नहीं मिलता है, जिनका का दो साल या एक साल का क्लेम है उन को मकान मिल जाता है, इससे लोगों के अन्दर ऐसी भावना पैदा होती है कि क्यों न ज़बरदस्ती कब्ज़ा करो।

इसलिए सरकार इस प्रब्लम को देखे करने और हाउसिंग प्रब्लम को जल्दी से जल्दी साल्व की कोशिश करे क्योंकि जबतक यह प्रब्लम साल्व नहीं होती है तब तक यह अनअथोराइज्ड-आक्कूपेशन चलते ही रहेंगे। हमें एक खतरा और भी है। हमारे समाज में बहुत से ऐसे लोग हैं जिनके पास कोई मकान नहीं है। वे गरीब और दुखी हैं और ऐसी स्थिति में अगर वे सरकारी बिल्डिंग्ज पर ज़बरदस्ती भी कब्ज़ा कर लेते हैं तो आप इसको बुरा नहीं कह सकते हैं। इसलिए मैं आपसे निवेदन करना चाहता हूँ कि इस बिल में आपने जो प्राविधान रखे हैं वह अच्छे हैं लेकिन इसके साथ साथ सरकार को हाउसिंग प्रब्लम को भी साल्व करना पड़ेगा।

• क्लार्क के बारे में बैसे तो मैं बात में कटूंगा लेकिन इस समय इतना कह देना चाहता हूँ कि क्लार्क 9 में अपीक की जो लिमिटेशन

(श्री शिव नाथ सिंह)

अपने रखी है वह केवल 15 दिन की है जबकि हर किसी कानून में एक महीने से कम की लिमिट नहीं होता है। और अपील के बाद जरूरी नहीं है कि स्टे मिल जाय इसलिए मैं चाहता हूँ कि आने जो 15 दिन की अपील के लिए लिमिटेशन रखी है उसका बढ़ाकर एक महीना कर दीजिए।

दूसरी बात मुझे यह कहनी है कलाज 4 न यह प्रावधान है कि जितन भी आदमी अनअथराइज्ड रूप में किसी मकान में बंटे है उन सभी को दोष देना जरूरी हो जाता है लेकिन कोर्ट्स में इसको इल्लीगल कार्यवाही माना जा सकता है। आपने आगे इसमें यह भी ऐड किया है कि नोटिस चप्पा कर दो जायगी। मेरे विचार से इसको डिलीट कर दिया जाना चाहिए।

अन्त में इस बिल का समर्थन करत हुए मैं एक बार पुन सरकार से निवेदन करना चाहता हूँ कि आप छोटे कर्मचारियों के लिए हाउसिंग प्रब्लम को सात्व करे और जो कर्मचारी वही है जोकि गरीब लोग है और अपना घर नहीं बना सकते है—करोड़ों लोग इस देश में बिना घर के है—उनकी यह प्रब्लम सात्व मही होती है तो यह समस्या बढ़ती जायेगी। इसलिए मेरा निवेदन है कि आप उनकी इस प्रब्लम को सात्व करें।

श्री शशि भूषण (दक्षिण दिल्ली) : सभापति सहोदय, जहासक इस बिल की स्पिरिट का सवाल है, मैं उसको सपोर्ट करता हूँ। प्रश्न यह है कि जो लोग आज बरसो से कहीं बंटे है, उन्होंने भुग्गी भोपड़ी बना ली है जिसमें वे रह रहे हैं और जिनके सम्बन्ध में मन्त्री महोदय ने कई बार आश्वासन दिया है कि जब उनको वहा से उठाया जायगा तो कहीं दूसरी जगह भी दी जायेगी। इसी तरह से उनके मकान भी बने

हुए है, काफी बड़ी बड़ी कालोनीज़ बन गई है जहा पानी है, बिजली है और दूसरी तरह तरह की सुविधायें है। आरम्भ में लोगो ने घास और पत्थर काट काट कर किसी तरह से वहा पर अपने को बसाया और जो रेफ्यूजीज इस देश में आये वे वहा पर बस और धीरे धीरे अब वह रोकन वाली जगह हो गई है। हालांकि मुझे इस बात का सन्देह नहीं है कि उन सभी लोगो को वहा से उठा दिया जायेगा लेकिन इसमें एक बात सरकार को जरूर ध्यान में रखनी चाहिए कि जो गरीब लोग है, जो छोटे तक्के के लोग है, जो काफी अमें से वहा पर बंटे हुए है उनको वहा डिस्टर्ब न किया जाय जबतक कि कोई और दूसरी जगह उनकी न दे दी जाय।

जहासक बड़े बड़े आफिशल्स का सवाल है, बड़े लोगो का सवाल है, इस बिल के हाथ इतने लम्बे नहीं है कि उनको काबू कर सके। मैं अब भी उन लोगो में से हूँ जोकि यह चाहते है कि सारे देश की जितनी भी जमीन है वह सरकार की होनी चाहिए। देश में कोई भी व्यक्ति अमीर या गरीब बनकर पैदा नहीं होता है और न ही कोई आदमी हीरे जवाहरात लेकर पैदा होता है और न ही मरते समय कुछ लेकर जाता है। इसलिए मैं समझता हूँ देश की सारी जमीन सरकार की होनी चाहिए। अगर इस उद्देश्य के साथ कोई बिल यहा पर लाया जाय तो मैं उसका पूर्णपूरा समर्थन करूंगा। जहासक इसका सवाल है, अभी भी शहरी सम्पत्ति पर नियन्त्रण हुआ नहीं है। बी साल या पचास साल के लिए लीज पर जो करोड़ों रुपए की जमीन पूँजीपतियों को दी गई है, उनकी लीज को फिर रिवाइज किया जा रहा है और इस बिल के जरिए से इस बात को रोकने की कोई भी कोशिश नहीं की गई है। बिडला हाउस जो लिया गया है उसके लिए 55 लाख रुपया दिया गया है। और बहा

पर बिड़ला जी अकेले नहीं हैं बल्कि पूरी लाइन है जिसमें सैकड़ों कोठियां हैं और बड़े बड़े लोग वहां पर मौजूब हैं। ... (व्यवधान) ... मेरी भूख हड़ताल इतनी मंहगी पड़ी इसका मुझे अफसोस है। लेकिन एक बात जरूर है बिड़ला हाउस के आस पास जितनी बड़ी बड़ी कोठियां हैं, जो कराड़ों का एक की सम्पत्ति है उसको हम बिल में नहीं लिया गया है। मैं तो इस बात को मानता हूं कि सरकार ऐसा बिल लाये जिस के जरिए से जिसके पास भी एक मकान से ज्यादा हो उसको ले सके। ऐसी बात इसमें नहीं है। बल्कि इसमें अंदेशा इस बात का है कि कुछ गरीब लोग इसमें तग किए जा सकते हैं। इसलिए मैं मंत्री महोदय से आश्वासन चाहता कि गरीब लोग जहां बसे हैं उनकी तरफ वह विशेष ध्यान देंगे। वैसे यह बिल तो सारे देश के लिए है और कई जगह राज्यों में कुछ किसानों ने या कुछ दूसरे लोगों ने नहीं जमीन पर अधिकार कर लिया है तो वह बात दूसरी है लेकिन जहां केन्द्रीय सरकार की सम्पत्ति है उस जमीन पर पचासों साल से गरीब लोग रह रहे हैं और उनको अगर वहां से हटाया जाता है तो बड़ा गलत होगा। इसमें सरकार को एक मानवीय दृष्टिकोण भी रखना चाहिए और एक काम्प्रोमिसिब बिल लाना चाहिए क्यों कि मैं वह दिन देखना चाहता हूं—आप मंत्री महोदय क्रान्तिकारी और समाजवादी नेता हैं—आप एक ऐसा बिल लायें जिसमें गरीबों को पूरा संरक्षण मिले और अमीरों के हाथ से अधिकार छीने जायें तथा सारी सम्पत्ति पर सरकार का अधिकार हो। लेकिन इस बिल में जो अंदेशा है उसके लिए मैं मंत्री महोदय से आश्वासन चाहता हूं ताकि गरीब लोग बच सकें और जिसके पास छोटी प्रापर्टी है उसको सरकार हाथ न लगाए। बस केवल यही आश्वासन मैं सरकार से चाहता हूं।

SHRI I. K. GUJRAL : Sir, as I said in the begining, the Bill has a very limited

purpose, but I have been feeling the sense in the House about the shortage of houses and the trouble to which those who cannot afford houses are put to. As I said yesterday, I have full sympathy with this problem but unfortunately housing shortage expresses itself in many ways. It expresses also in this way unauthorised occupation of land and building. But then if we want to solve the problem of housing, for that even we have to go in a methodical way. They cannot possibly squat wherever they wish because that by itself negates the interests of those whom we want to help. We are keen to help those who cannot afford houses. We are keen to help those who cannot buy land. We are keen to help those who economic circumstances are such that they are put to the hardest possible lot. Therefore, this very things involves that there should be some sort of method, some scheme, some plan of housing, so that people who cannot afford houses are helped socially. That is why we have held that a stage has come in the growth of our country when Government should intervene in the housing problem in a big way and that can come only if we have not only an urban housing policy but also an urban land policy. Urban land policy can come only if we decide that all the buildable areas around the metropolis or around those cities which are attracting people are so controlled that people with lesser means can be helped.

In Delhi, for instance, ever since the DDA has been constituted by the Government of India we have been able to do some methodical house building—though not in a big way so that it will solve the problem to a greater degree—for example, building houses for low income group, building houses for middle income group and giving them at fixed prices rather than asking them to buy from the market at the market value. The only way of helping people with limited means is that houses and house-sites should be provided at social price and not at the price prevalent in the market. This also creates many problems. People have squatted on the public or private land. Some people have built up jhuggis and jhaunpris and some have built up houses. So far as jhuggis and jhaunpris are concerned I have said earlier that our declared policy is that we will not displace anybody without giving him alternative accommodation. Up till now

[Shri I. K. Gujral]

we have been able to provide sites to about 60,000 persons around Delhi for these jhuggis and jhaunpris. Now our scheme is at the second stage. We are now thinking perhaps it is not a correct approach to send people to too far distances and ask them to live far from their vocation or away from their place of work.

That is why now our approach is to try to build tenements for them nearer their place of work or from where they are displaced. Of course, some adjustments had to be made in the wider interest of the town and the bigger interests of the master plan and the lay out, but by and large our approach is to provide housing facilities nearer the place where they have been working.

My hon. friend, Shri Dutta, and some other friends also have said that this Bill does not say what will happen to those poor people who are displaced from their plots or areas on which they may have squatted. I can only say that this law cannot say it but social commitment can. It is the declared policy of this Government that we will provide alternative accommodation to those who are displaced.

There is another category of people to which Shri Shashi Bhushan has drawn attention, that is, to people who have built houses on lands which did not legally belong to them. That also can be divided into two parts.

As I said just now we feel that there should be an urban land policy. The essential ingredient of the urban land policy is that all the land around the town is acquired for the social purpose of housing. In Delhi the acquisition order for about 34,000 acres was issued but even after the issuance of the order some people have been selling land without adequate authority. Some people have been bound.

As Shri Shashi Bhushan would be aware and would agree, there has been a great deal of racketeering in land selling. People have been buying and selling land unauthorisedly and have been building houses on those lands. In some areas,

unfortunately, it has come to the stage that not only the land has been acquired but money has been collected from the cooperative society, from those poor people for whom houses have to be built, and after that land is sold and houses are built.

Shri Shashi Bhushan and all my friends will agree that such cases will have to be dealt with firmly. If we do not deal with such cases firmly, land racketeering will continue and all the policy about urban land will be defeated and there will be no question of providing houses for poor people, only the rich people will buy land and the rich people will sell it and a new type of society, which we do not want to be evolved, will evolve. That is why, people who have built unauthorisedly have to be dealt with in a different way.

We have been having a very humane approach towards this. In the case of unauthorised colonies which came up in the past before 1962, our approach has been that if they fit in with pattern of the master plan, we try to regularise them and quite a number of colonies, have been regularised. Even in the case of colonies which may not fit in properly with the pattern but with some minor adjustments and whose lay out can be approved, lay out of those also have been approved.

Now, there are two types of problems which are left with us. One problem is of those colonies which have come up in the green belt and the other is of those colonies which are now coming up. I think, these two types of habitations will have to be examined more carefully before a policy can possibly be evolved.

But may I take this occasion to say firmly that we mean to put down with a firm hand all such activity which is even now continuing of selling land unauthorisedly and of unauthorised housing coming up. I think, this defeats the entire policy of building houses for poorer sections of the society.

Shri Madhukar has drawn my attention to the basic issue, as to why people unauthorisedly occupy. This is definitely a fundamental question of our present situation of urbanisation. People

are coming to towns in search of employment and because towns offer better facilities.

Unfortunately, this problem has not been dealt with as adequately as it should be. Not only we must create better urban situation so that house are available to those who are employed in urban areas, we have also to see to it that employment facilities also move away from bigger towns to smaller towns and to the rural areas. Unless that is done, the problem will never get solved.

May I also draw his attention to the fact that housing problem is more acute in the rural areas. It is not only in urban areas that the problem is bad. In the rural areas it is worse. As I said yesterday, there are approximately 80 million people today who are without houses. If the houses are going to be provided to 8 crores people in the rural areas, the problem is gigantic by itself. That is why the Government has decided that in the first instance we must at least try to provide house-sites in rural areas. We must make an attempt to see that Harijans, landless Adivasis, those sections of society which have been depressed for a long time and for ages, at least, in the first phase, are helped in acquisition of house-sites. We have been persuading the State Governments to take special steps towards this and some State Governments have passed ordinances and laws in this direction. But, unfortunately, the steps taken so far have yielded very meagre results.

The other day, while replying to a question, I said, that there are approximately 8 crores people in rural areas who are without houses and, unfortunately, although several States have passed ordinances and laws, only 2000 house-sites have been provided. Unless we go in a big way to meet this problem, the problem will never get solved.

That is why the Central Government is now examining the possibility of giving hundred per cent subsidy to State Governments for acquisition of land for giving house-sites to the rural people, the poor people, so that house-sites can be given to them and, in the second phase, we can think in terms of building better houses for them.

Some time ago, the Housing Ministers of the country had met and they had also thought that we should pick one district in every State on the basis of 1 crore population, in one district at least, intensive housing projects should be undertaken in the rural areas. This is under consideration and, I hope, this will move further.

Then, the hon. Member talked about Government servants who retire and have to quit from their accommodation. I have sympathy with Government servants. I think, it is very hard for a person to be used to living in a house for 30-35 years and then suddenly, when he is not in a position to earn, when he is not in a position to exert himself physically, that he is thrown out of the house. I think, definitely, a more progressive outlook has to be developed towards this. That is why one of the things that the Government of India is doing now is to give liberal loans to Government servants for building their own houses. We give loans to Government servants upto Rs. 50,000 so that they can build houses when they are still in service. The conditions of loan are quite liberal.

Till last year, our annual disbursement used to be of the order of about a crore and 20 lakhs of rupees. This year, it has gone to Rs 4 crores. Although in the current plan there is a provision of Rs. 5 crores, we are now approaching the Finance Ministry to increase this to Rs. 15 crores so that Government servants can take loans and build their own houses as early as possible.

In addition to this, as I said yesterday, we are also trying to induce the D. D. A. and persuade other housing boards also to have special schemes for the pensioners so that the people who are going to retire in 5-10 years or have a few years more to put in service are in a position to contribute towards buying a house when they retire. We are very keen that something should be done.

SHRI J. M. GOWDER : What about giving free house-sites ?

SHRI I. K. GUJRAL : Free house-sites may not be possible. In Delhi, for instance, we are giving house-sites on the

[Shri I. K. Gujral]

fixed price to the middle income and low income groups. Now, in regard to low income housing, there is a considerable element of subsidy though to a lesser degree, there is an element of subsidy in the middle income housing also. We have divided it in three parts. In regard to those whose income is above Rs. 18,000 a year, we do not provide any land and we ask them to buy in auctions in the market. In regard to those whose income is between Rs 6000 and Rs 18,000, we consider them as middle income group and to them we give house-sites at fixed price. To those whose income is below Rs. 600 we again give house sites and built houses under the Low Income Group and in the price there is a considerable element of subsidy.

Now we have also introduced another category called Janata category. People whose income is below Rs. 250 come under this category and to them we are trying to provide house sites at a very much subsidised rate plus we are trying to give them built houses at a very subsidised rate.

This is the real policy towards which governmental housing must go and it must go with a great deal of vigour and in a very much broader way than at the moment we are doing.

My friend, Mr. Bade, has pointed out a case about some people in Sadar Bazar. The case Mr. Bade narrated does look very strange and that is why I am not in a position to say straightaway as to what the merits and demerits of the case are. If Mr. Bade sends the case to me, I promise to look into it and see what I can do.

Hon Member, Shri D. N. Tiwary, did mention about irreligious authorities, if I may use that term, who keep on occupying unauthorised land. This is a very reprehensible and sad thing that people in the name of God can go and commit illegal acts and they can get away with it. I think the House and the country must express their concern for it is not the religion which is helped but the people help themselves in the name of

religion. Therefore, if the Government comes down on it with a heavy hand, I hope, I will have the full support of the whole House for it.

Mr. Bade has drawn my attention to clause 15 of the Bill that no court shall have the jurisdiction. It is a restriction on the Government itself. It is not barring the courts. If Mr. Bade sees the judgment which led to our bringing this new Bill, it was primarily because of this. The High Court has ruled that the Government has two options open to it that the Estate Officer can either evict a person himself or bring in the civil court's jurisdiction. It is only to meet that lacuna that we have introduced that clause. That is why we are reiterating our authority in the light of the judgement of the High Court. Not that we are barring the courts. The court's authority remains. After the Estate Officer's judgment, if somebody likes to go to the Sessions Court, there is no bar on it. We are only placing a restriction on the Government's dual outlet that we used to have. Now, we are having only one, that is, the Estate Officer.

Mr. S. N. Singh has also mentioned about the situational disadvantages which the low-paid employees suffer in the capital by having their colonies in the outer areas and they have to commute long distances and have to travel longer distances to come to office. I quite agree with that. That is why we have now undertaken a new construction programme. Two big colonies are coming up near the Secretariat--the DIZ area and the Minto Bridge area which are primarily meant for the lower categories of housing. That is why we want to bring them nearer the Secretariat so that they have much lesser distance to travel. Simultaneously, we are also trying to build new offices near the residential colonies. One of the main recommendations of the Delhi Master Plan is that the travelling distance must be reduced and they should not be asked to travel unnecessarily. That is why both the things should be there, residential colony and the place of occupation should be inter-mixed so that a person, especially a person who cannot afford to do so, does not have to travel a long distance. That is why our policy is in conformity with what Mr. Singh has said.

He has also pointed out that some people who are in higher salary groups continue to occupy lower group houses. This is correct. There are some rules in the Estate Office under which a person entitled to type V house sometimes continues to occupy type II house. I have recently taken a decision that we will have a second look at these situations and we will see particularly as we have shortage of type II and III houses, that those people who are already in a salary group which entitles them to a higher type of house, should vacate their houses so that people with poorer salaries are in a position to occupy them.

Shashi Bhushan mentioned two points. One point he made was about the ceiling on urban property. Shri Shashi Bhushan knows, this Government is committed to putting a ceiling on urban property. There are certain legal difficulties in the sense that State Governments have to move, because Housing is a state subject. The State Governments have to move in the matter. Now, we are coming to a stage nearer. Today I read in the papers that Bihar has done something more in that. The Minister for Housing, my senior colleague, has recently addressed letters again to Chief Ministers asking them to quickly react to our earlier suggestions so that ceiling on urban property can be brought more expeditiously.

MR. CHAIRMAN : The question is :

"That the Bill to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters, be taken into consideration."

The motion was adopted.

Clause 2—(Definitions)

MR. CHAIRMAN : We go to Clause 2. There are certain amendments.

SHRI A. N. CHAWLA (Delhi Sadar) : I beg to move :

Page 2,—

after line 28, insert—

"Provided that land leased out by the Municipal Corporation of Delhi

or the Delhi Development Authority or any other authority on 99 years' lease (permanent lease) shall not be deemed to be "public premises" (1)

SHRI SHASHI BHUSHAN : I beg to move :

Page 2,—

after line 28, insert—

"Provided that leases by Delhi Municipal Corporation or Delhi Development Authority, Notified Area Committee or any other Authority prior to 1947 measuring upto 300 sq. meters shall not be covered by the provisions of this Act." (5)

SHRI R. V. BADE : I beg to move :

Page 2,—

after line 28, insert—

"Provided that land leased out by the Municipal Corporation of Delhi or the Delhi Development Authority or any local authority whereon the lessee has constructed any building during the tenure of the lease shall not be deemed 'public premises', notwithstanding that the period of lease has since expired." (6)

श्री अमरनाथ चावला : सभापति जी, मैं यह संशोधन पेश करता हूँ।

मैं यह संशोधन इसलिए रख रहा हूँ कि अभी मिनिस्टर महोदय ने बताया कि अब न एरियाज में मकान ज्यादा बन सकें, उनके लिए सुविधा हो और लोगों को फैसिलिटी मकान बनाने की मिले।

यह जो 99 साल की लीज दी जाती है वह इसीलिए दी गई थी कि लोग इस अवधि में मकान बना सकें और इतना से रह सकें। लेकिन इस ऐक्ट के अन्धर कहीं भी कहीं पर

(श्री अमरनाथ चावला)

इसको अलहदा नहीं किया गया कि कौन लीज प्रापर्टी के ऊपर यह ऐक्ट लागू होगा और इन्हीं धाराओं के अन्दर हाउस रेगुलेशन हो सके। 99 साल की लीज के अन्दर तो उनको इस फिक्स से बरी करना चाहिए था कि ये हमेशा यही रह सकें और इसमें मकान भी ज्यादा बन सकेंगे और सुविधा होगी। जहाँ तक परमेनेंट लीज से आमदनी का ताल्लुक है, जितनी लीजें दिली में दी गई है उनमें हर दसवें साल या 20वें साल जो ग्राउंड रेंट लिया जाता है उसको बढ़ाने का प्रावजन है। इसलिए, वहाँ पर रेगुलेशन की बात परमेनेंट लीज के ऊपर होगी ऐसा तो मोच नहीं सकते। मैं यह चाहता हूँ कि यह 99 साल की लीज को, मेरे इस अमेंडमेंट को मानकर, लोगों को इससे बरी कर दिया जाय।

SHRI I. K. GUJRAL : I regret that I am not in a position to accept Mr. Chawla's amendment. The difficulty is this. For the purpose of giving land on lease, rather than giving on freehold, there should be some sort of regulated housing activity, regulated in the sense that the Master Plan suggests that land use of various sites shall be determined. It does very often happen that the purpose for which the plot is given is not fulfilled and people who have been given residential houses for residential purposes convert them into commercial purposes. This is one of the main difficulties which we are facing. If we are unable to check that, then the entire spirit of the Master Plan dies. The Master Plan does decide the land uses. Secondly, when we give the leased plots to people for building houses, if they convert it for commercial purposes, that by itself negates the policy of helping people to build houses. If instead of building houses they build shops then to that extent, residential accommodation gets lessened. Therefore, we have to keep this applicable to the leased plots also so that the purpose for which the plot is leased out is abided by.

Normally, we do not like to intervene and we do not like to interfere. Recently, the PAC had made a comment on the working of the leasehold plots. We have appointed a land management committee which had a thorough review of the leasehold plots and the functioning of the land and development office and other lease-giving offices so that a policy can be evolved whereby the harassment to the lessees could be reduced and at the same time Government could also intervene in a very minimal way. My approach to this problem is that there should be normally no difference between a leasehold plot and a freehold plot, except in cases of very broad defiance.

For instance, when a residential building is converted into a commercial building, then government have to step in. Let me give you one example. Recently, we have decided to extend the Connaught Place area, as a result of which the land prices have shot up considerably. For instance, one of the plots which was leased out by Government was leased out at Re. 1 per sq. yard or Rs. 5000 per acre. Now, the market prices varies from Rs. 30 lakhs to Rs. 40 lakhs per acre. If we do not intervene in these cases, then everybody can convert a residential house into a commercial office without any advantage coming to the Government and to the town as a whole. Therefore, the intervention has to be there. But beyond this broad intervention when the land use is changed, I think by and large our approach should be, and I am trying to streamline it, that in the day-to-day functioning or in day-to-day living, there should be no interference.

श्री जशि शूषण : सभापति महोदय, थोड़ी देर पहले मैं ने अर्ज किया था कि यह जो विधेयक है उस में अमीर बच जायेंगे और गरीब बेचारा फंस जायेगा। मिसाल के तौर पर अभी श्री चावला ने कहा कि जो लीज पर दिया हुआ है उस के सम्बन्ध में मंत्री महोदय ने बतलाया कि अगर वहाँ कोई रहने की जगह थी और कोई व्यापारिक संस्थान बना दिया उस को तो सरकार को उसे लेने का अधिकार है।

यह बिल कई मानों में अच्छा भी हो सकता है। अभी पिछले दिनों 50 साल से बिड़ला हाउस को जो लीज पर दिया हुआ था अब वहां कोई रहने का स्थान नहीं था। वहां एक बिड़ला के व्यापारीक ट्रस्ट का मकान था। लीज उन्होंने एक व्यक्ति को रहने के लिए दे दी। अब वह एक व्यापारीक संस्थान है और जिस प्रादमी ने उस को लीज पर लिया हुआ है उसका व्यापारीक ट्रस्ट है। ट्रस्ट के मकान को जिसे व्यापारीक संस्थान बनाया गया दिल्ली में, यह इस कानून के अन्तर प्रायेण या नहीं, मेरी समझ में नहीं आता। अगर आ सकता है तो 55 लाख रुपये बचाय जा सकते हैं क्योंकि वह व्यापारीक संस्थान का गैर हाउस है पारिवारिक रहने का स्थान नहीं। यहाँ अधिवक्ता जितने मकान है उन में व्यापारीक संस्थान का बने हुए है। खुद रहते नहीं है, गेस्ट हाउस व्यापारीक संस्थान का बनाया हुआ है।

या फिर आप ऐसा करें कि जिस दिन से यह विधेयक पाम हो उस दिन से इसको लागू किया जाए और इसके बारे में मेरा एक संशोधन भी है।

रोटी की चोरी और सोने और जवाहरान की चोरी में अन्तर जरूर होना चाहिए। यह ठीक है कि कानून की निगाह में सब एक है। लेकिन मानवीय दृष्टिकोण से उस में अन्तर जरूर करना पड़ेगा। हमेशा में यह अन्तर होगा रहा है। किसी ने सिर्फ एक कमरा बना लिया और छोटी छत के नीचे दस बच्चे पैदा कर लिये और वे उस में रह रहे हैं और एक ने बड़ा चालीस पचास कमरों का मकान बना लिया और उसका कुत्ता भी वहां अकेलापन सहसूस करता है इन दोनों में अन्तर किया जाना चाहिये बिल की आत्मा अगर कि गरीबों की मदद की जाए तब तो अच्छा है। लेकिन अगर छोटे और गरीब लोगों को हाटाया जाएगा और बड़े समीर लोग ट्रस्ट बना कर या दूसरे ढंग से बचते

रहे तो यह ठीक नहीं होगा।

सदर बाजार और दूसरे इलाके जो सदियों में बसे हुए हैं, उनका स्वाब तोर पर आपको ध्यान रखना होगा। मैं चाहता हू कि गरीब लोगों के लिए मनी महोदय जरूर आश्वामन दें। अगर ऐसा नहीं होता है तो जो मेरा संशोधन है, उसको वह मानें कि जिस दिन यह पार हो उस दिन से इसको लागू किया जाए।

SHIRI R V BADE: My submission is, Sir, that I have moved this amendment because here I am pressing more for the legal point Mr Shashi Bhushan has said about the poor and the rich persons. What is the definition of a poor person? I am poor, Mr. Shashi Bhushan is poor and even the great Seth of my village is poor.

श्री शशि भूषण: आपके पाम जमीन हैं मकान है। मैं गरीब हूँ। मेरा कोई मकान भी नहीं है। मैं नियम बनाया है कि मकान, सोना जमीन कभी नहीं खरीदूंगा। इसलिये चिन्ता की कोई बात नहीं है मेरे लिये। जब लाखों के पाम मकान नहीं है तो उनका प्रतिनिधि कैसे रख सकता है?

SHIRI R V BADE: He has no house and no property with him. But if he is a gentleman and he is a householder, he must have some property. If he has no property at least, otherwise he is a saint.

श्री शशि भूषण: मैं सिर्फ एक समाजवादी हूँ, जिसे आप नहीं समझ सकते।

SHIRI R. V BADE: My submission is that I am pressing more for legal point here. This Act is comprehensive because it is applicable to the whole of India. I, therefore, want to submit before you and the hon. Minister that suppose the Municipal Authority or the Delhi Authority or any local authority has got the authority to lease out the land and they have leased out and on that assurance, people have constructed houses on it, can you evict them saying that it is a public premises? Here the Delhi

[Shri R. V. Bade]

Development Authority and the Municipal Corporation are authorised to give the land and they have lease out and on that assurance, people have constructed houses on it, can you evict them saying that it is a public premises? Here the Delhi Development Authority and the Municipal Corporation are authorised to give the land on lease. In Madhya Pradesh also, a municipality has got the authority to give the land on lease. After they have constructed houses on the land leased to them, can you evict them by this act? This is my principle question.

Here in Delhi Sir the Delhi Development Authority and the Municipal Corporation are authorised to lease out the land for 99 years. Suppose the people have constructed the houses, are you going to evict them after 99 years? Is your attitude justifiable? That is the main question and that is why I have moved this amendment.

SHRI M. SATYANARAYAN RAO (Karimnagar) Mr Chairman Sir I would like to know from the hon. Minister whether he is going to apply this Act after passing to the ex-Members who are also the unauthorised occupants. It is four or five months and most of the members are not at all vacating the flats. Whenever we approach the Chairman, he says they are occupying and are not vacating. Are you going to apply this Act to them also? If so what steps you are going to take and when you are going to take?

श्री अटल बिहारी वाजपेयी (ग्वालिअर) सभापति महोदय, श्री गुजराज ने कहा है कि अगर कोई जमीन रिहादशी काम के लिये लीज की गई है और अगर उस पर दुकान बना ली जाय, तो मालिक अधिक मुनाफा कमाता है और उस मुनाफे में से सरकार को हिस्सा नहीं मिलता है और ऐसे मामले में कानून को कार्यान्विध करने का अवसर होना चाहिये। मैं यह जानना चाहता हूँ कि क्या लीज की शर्तों में यह लिखा नहीं होता है कि जमीन का प्रयोग किस तरह से किया जायेगा, अगर लिखा होता है, तो फिर जो व्यक्ति रिहादशी

जमीन को दुकान खोलने के लिये काम में लाता है, उसके विरुद्ध लीज-ब्रीड की शर्त का उल्लंघन करने के आरोप में कार्यवाही की जा सकती है उस को उन जमीन से हटाया जा सकता है।

इस लिये सारी लीज की जमीन को इस पक्क के अन्तर्गत लाने की आवश्यकता मेरी समझ में नहीं आती है। अगर कुछ ऐसे मामले हों जिन में लीज-ब्रीड की शर्तों का उल्लंघन हुआ है तो वह उल्लंघन सरकार को अदालत में जाने और सम्बद्ध व्यक्तियों का हटाने का मौका देना है। लेकिन सरकार उस पक्क के अन्तर्गत सारी लीज की जगहों को बाँटना चाहती है।

श्री आई के गजराज सभापति महोदय, जब लीज की जमीन दी जाती है, तो उस वक़्त लीज की सब शर्तें तर्कित रहती हैं। जब कोई प्रादमी लीज की शर्तों का उल्लंघन करता है, तो सब में पहले उस का नोटिस दिया जाता है कि वह उस को ठीक करे। अगर वह ठीक नहीं करता है तो दूसरा कदम यह उठाया जाता है कि उस को कटा जाता है कि अगर वह ठीक नहीं करता है, तो उस की जमीन को री-एन्टर किया जायेगा। उस के बाद उस को हिरागिरी का मौका दिया जाता है। अगर वह फिर भी ठीक नहीं करता है तो तीसरी स्टेज यह आती है कि उस को नोटिस दिया जाता है कि उस की जमीन को खाली करवाया जायेगा। यह आखिरी कदम है जो आसानी से नहीं लिया जाता है, बरिक्त आखिरी मरहले पर लिया जाता है।

जो लोग दिल्ली में या दूसरी जगह लीज होल्ड प्लॉट लिये हुए हैं उन पर यह कानून लागू किया जाना है। श्री वाजपेयी अपनी बात को साफ़ नहीं कर पाये हैं। सारी लीज की लैंड की बात तो मेरी समझ में नहीं आई है। लीज की जमीन दो हिस्सों में बाँटी जाती है

बा तो लोग मकान बनाते हैं, या कोई इंडस्ट्री या व्यापार की जगह बनाते हैं। उन सब के लिए लीज की शर्तें हैं। जब उन शर्तों का का उल्लंघन किया जाता है, तब इस कानून के मातहत एक्शन लिया जाता है वर्ना नहीं।

श्री बट्टे ने दो बातों की तरफ ध्यान दिलाया है। अगर डी डी ए. या म्यूनिसिपल कांफ़िगेशन किसी को 99 साल के लिए लीज देना है, तो उस के बाद क्या होता है? अगर उन का इशारा किसी स्वामि के तरफ है, तब तो मे कुछ नहीं कह सकता हूँ, जब तक कि मैं उस केस को देख न लूँ। लेकिन अगर उन्होंने एक जेनेरल बान कर्ता है, तो मे बनाना चाहता हूँ कि इस एक्ट का मश्रा यह नहीं है कि एक जमीन म्यूनिसिपल कांफ़िगेशन 99 साल की लीज पर दे और सरकार इस एक्ट के जरिये उस को वापिस लेने की कोशिश करे। जो लीजिंग एगारिटी है, वही इस एक्ट को अपने माल करती है, दूसरी एगारिटी नहीं करती है। वही एगारिटी अपने एस्टेट आफिसर को एपायंट करती है। मसलन अगर दिल्ली म्यूनिसिपल कांफ़िगेशन ने या डी डी ए. ने किसी को लीज पर जमीन दी हुई है और वे समझते हैं कि लीज की शर्तों को तोड़ा जा रहा है, तो फिर दिल्ली म्यूनिसिपल कांफ़िगेशन या डी डी ए. ही अपने एस्टेट आफिसर के जरिये इस कानून के मुताबिक एक्शन लेते हैं। उस में गवर्नमेंट का एस्टेट आफिसर नहीं आता है। गवर्नमेंट का एस्टेट आफिसर तो जेनेरल पूल के बारे में या उन प्रापर्टीज के बारे में, जिन का सेंट्रल गवर्नमेंट से डायरेक्ट कंट्रोल है, एक्शन लेता है। इस लिए इस एक्ट की मश्रा यह नहीं है कि लोगों को हैरान किया जाये, या जिस को जमीन दी गई है, उस के खिलाफ कोई एक्शन लिया जाये।

जो लोग पिछली संसद के मेम्बर थे, और अब नहीं हैं, उन में से जिन्होंने अपने मकान

खाली नहीं किये हैं, उन का जिक्र किया गया है। वे हमारे साथी और दोस्त हैं। कल तक वे हमारे साथ बैठते थे। मुझे अफ़सोस है कि उन्होंने उस बात का खयाल नहीं किया कि मेम्बर साहबान को मकान इसलिए दिये जाते हैं कि वे मेम्बर के तौर पर अपना काम ठीक तरह से चला सकें। पिछले तीन चार महीनों में हम को बहुत परेशानी रही है और रोज इस बात का सामना करना पड़ता है कि जो बेचारे मेम्बर महीनों से यहाँ आकर पड़े हैं, उन का रहने के लिए जगह नहीं मिली है।

श्री शंकर दयाल सिंह (बनारस) : सभापति महोदय, तबलीफ हम लोगों को हो रही है। हम लोग जानना चाहते हैं—मारा देश जनना चाहता है—कि कितने भूतपूर्व सदस्यों ने अपने मकान खाली नहीं किये हैं।

श्री आइ के. गुजराल : अब उनकी ताबाद कम हो गई है। तकरीबन 26 ऐसे पुराने मेम्बर हैं, जिन्होंने अभी मकान खाली नहीं किये हैं। इस के अलावा 25, 26 ऐसे पुराने मेम्बर हैं, जिन्होंने मकान तो खाली कर दिये हैं, लेकिन सर्वेक्ट्स क्वार्टरेंज बगैर खाली नहीं किये हैं।

डा. कैलास (बम्बई-दक्षिण) : कोई हो, जिनको मकान एलाट हुए हैं वे दूसरी जगह रह रहे हैं क्योंकि कुछ लोग खाली नहीं कर रहे हैं। हाउस कमेटी की जो संसद का प्रतीक है उसकी कोई कीमत नहीं रही है।

श्री आइ के. गुजराल : मैं यही कहना चाहता हूँ कि कोई भी अदमी चाहे पार्लियामेंट का मेम्बर हो, अगर अनआथोराइज्डली किसी मकान पर कब्जा कर ले, तो मुझे उम्मीद है, वे लोग खुद अब अपनी जिम्मेदारी को समझेंगे और ऐसी नौबत नहीं आयेगी कि हमें इस कानून के जरिये उन से कहना पड़ेगा। कानून बनाने वालों को खुद इस बात का ध्यान

[श्री आर्. के. गुजराल]

रखना चाहिये कि कानून का इस्तेमाल उन के खिलाफ न हो। लेकिन अगर यह मुश्किल इसी तरह से चलती रही और हाउस इस बात पर सहमत है तो हम उस कानून का इस्तेमाल करने से हिचकेंगे नहीं।

श्री शशि भूषण: बैचलर्स को आधा मकान दीजिये।

श्री आर्. के. गुजराल: बैचलर्स को आधा मिले या पूरा मिले यह अलग बात है, लेकिन हमारा मुक्त फ़ैमिली प्लानिंग की पालिसी पर चलता है, हम बड़े फ़ैमिली को गिमिम नहीं देना चाहते हैं। लेकिन जो पियरी-पॉलियामेन्ट के मेम्बर हैं, गुर्गे, उम्माद वे कम से कम आज इस बात की नोटिंग में लेंगे कि अब यह कानून बनने जा रहा है, यहाँ भी और दूसरे हाउस में भी पास हो रहा है, उस कानून के जरिये कार्य-वाही करने में पहले वे मकान खाली कर देंगे।

शशि भूषण जी की अमेन्डमेंट में यह कहा गया है कि यह कानून आज से लागू होना चाहिये। इस में एक मुश्किल है। यह कानून पहले 1958 में बना था, उस के बाद स्ट्रुक्-डाउन हो गया, उस दौरान कुछ लोगों से खाली कराया गया, अगर उस पीरियड को कवर नहीं करने हैं तो जिन से खाली करवाया गया है, वे वापस अपनी जगह पर लौट सकते हैं। इस लिये हम को इसे रिट्रोस्पेक्टिव इफ़ेक्ट से लागू करना पड़ेगा।

MR. *CHAIRMAN : Mr. Chawla, are you pressing your amendment ?

SHRI A. N. CHAWLA : I am not pressing my amendment, but I only want one assurance.

MR. CHAIRMAN : No, no. What you wanted to say, you have said.

श्री अमरनाथ चावला : सभापति महोदय, पहाड़ी घोरज और सदर बाजार में लोग 100 साल से, 90 साल से लीज दे रहे हैं, उन के सैक्शनड बिल्डिंग प्लान है, कम से कम उनको इस से एक्जम्प्ट किया जाय, उन के खिलाफ आप इस तरह से एक्शन नहीं लेंगे, बल्कि उन का लिहाज रख कर उन को जगह देने की कोशिश करेंगे।.....

सभापति महोदय : अब दूसरा सवाल नहीं उठाया जा सकता है। आप यह बतलाइये कि इस को विद्वष्टा करते हैं या प्रेस करते हैं ?

SHRI A. N. CHAWLA : I beg leave to withdraw the amendment.

The amendment No. 1 was, by leave, withdrawn

श्री शशि भूषण : सभापति जी, मैं माननीय मंत्री जी के आश्वासन के मुताबिक इस संशोधन को वापस लेना चाहता हूँ।

The Amendment No. 5 was, by leave, withdrawn.

MR. CHAIRMAN : Now, Shri Bade.

SHRI R. V. BADE : I press my amendment.

MR. CHAIRMAN : I shall put the amendment. No. 6 to the vote of the House.

Amendment No. 6 was put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Appointment of estate officer)

MR. CHAIRMAN : We shall take up clause 3,

SHRI SHASHI BHUSHAN : I beg to move :

Page 3, lines 4 and 5,—

for "as it thinks fit" substitute—

"possessing legal knowledge and experience of not less than ten years" (7)

सभापति महोदय, श्री बड़े ने यहाँ पर यह संदेह प्रकट किया कि सरकार जो जमीन कार्पोरेशन को या डी डी ए को दे दे और वे उसको लीज पर किसी को दे दें तो फिर दोबारा सरकार उसका ले सकती है या नहीं- खास तौर से इस बिल के मातहत ? ऐसी हालत में मैं आपसे दख्खास्त करता हूँ कि यहाँ पर एक कामिप्रोपोजिब बिल आना चाहिए ताकि फिर इस प्रकार का संदेह न रह जाये कि सरकार उसको ले सकती है या नहीं । इसके साथ साथ में यह भी कहना चाहना है कि सरकार की ओर से साफ साफ यह इस्ट्रक्शन्स भी दिये जायें कि सरकारी जमीन को इतने दिन तक इस्तेमाल कर सकते हैं और किस प्रकार से इस्तेमाल कर सकते हैं । खास तौर से जो जमीन सरकार की है । और मैं तो समझता हूँ कि सारी जमीन सरकार की ही होनी चाहिए । यहाँ पर इस सशोधन को मैं इसलिए पेश कर रहा हूँ कि जो 300 गज के छोटे प्लॉट्स हैं उनको कम से कम इस बिल के मातहत न लिया जाये । 1962 तक जो कालोनीज बन गई है, आपने कहा है कि उनको अथराइज किया है । लेकिन इस बिल में 1958 तक ही चर्चा है । इसके बाद भी आपने थोड़े कंसेशन दिये हैं । ऐसी स्थिति में जब इतना कंसेशन आपने दिया है तो थोड़ा कंसेशन और दे दीजिए ताकि जो गरीब लोग हैं जिनके छोटे प्लॉट हैं

उनको कुछ कंसेशन मिल जाये । यही सशोधन मैं आपके सामने पेश करता हूँ ।

श्री आई के गुजराल : मैं इसके मुताल्लिक अर्ज कर दूँ कि इसमें दो बुनियादी बातें हैं । जितनी पालिसीज हमारी हैं वह बुनियादी तौर पर छोटे आदमियों की मदद करने के लिए हैं गरीब आदमियों की मदद करने के लिए हैं लेकिन गरीब आदमी और अमीर आदमी का फीमला प्लॉट के नुक्ते-नज़र से नहीं हो सकता है । दिल्ली में जैसी कीमतें हैं उसमें 300 गज के प्लॉट की कीमत भी बहुत बन सकती है । बुनियादी बात यही है कि हम बानूग को हम उसी जगह इस्तेमाल कर रहे हैं जब बोर्ड जमीन का इस्तेमाल ऐसे मतलब के लिए कर रहा हो जो कि सोशल पर्पोज के अन्दर फिट न बैठता हो ।

जहाँ तक गति भूषण जी ने अनअथराइज्ड कालोनीज के मुताल्लिक फर्माया, उसके मुताल्लिक गवर्नमेंट की पालिसीज को हम साफ तौर पर कह चुके हैं और मैं फिर उसको कहे देना हूँ कि हम किसी को इसलिए मुसीबत में नहीं डालना चाहते कि मुसीबत में उसको डालने से गवर्नमेंट को कोई फायदा हो रहा है । लेकिन अगर बुनियादी पोलिसी को, बुनियादी चीजों को जक पठचती हो तो फिर मुश्किल सामने आ जाती है, और मजबूरन हमको यह तरीका अस्तियार करना पड़ता है । इसलिए यह मजबूरी है ।

जहाँ तक अनअथराइज्ड कालोनीज का सम्बन्ध है जो 1962 के पहले बन चुकी थी और जो मास्टर प्लान के अन्तर्गत समायी जा सकती है, उनको समायी जायगा । लेकिन जो आज भी कालोनीज बन रही है इस तरह की उस जमीन पर जो कि सरकार की है और जिस पर

[श्री आई. के. गुजराल]

गरीबों की मदद के लिए मकान बनाने की सरकार की योजना है, ऐसी जमीनो पर बनाये गये मकानो को लीगेलाइज करना मुश्किल होगा।

इसलिए मेरा अनुरोध है कि माननीय शशि भूषण मेरी बात का विश्वास करेंगे। हमारी तमाम पौलिसीज कानून के अन्दर हैं उस बायदे के अन्दर हैं कि हम गरीबों और छोटे वर्ग के लोगों की मदद करना चाहते हैं।

श्री शशि भूषण : मंत्री महोदय के आश्वासन की वृहत् छत्रछाया में मैं अपना संशोधन वापस लेना हूँ।

MR. CHAIRMAN : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

Amendment No. 7 was, by leave, withdrawn.

MR CHAIRMAN : The question is :

“That Clause 3 stand part of the Bill,”

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN : The question is :

“That Clauses 4 and 5 stand part of the Bill,”

The motion was adopted.

Clauses 4 and 5 were added to the Bill.

New Clause 5A

श्री अमर नाथ चाबला : सभापति जी, मैं पेज 3 में 48 वीं लाइन के बाद एक नया क्लॉज 5ए लगाना चाहता हूँ :—

“5A. Notwithstanding anything contained in this Act, the lessees who have already constructed

buildings on the lands leased out to them on temporary basis prior to the year 1947 shall not be evicted under the provisions of this Act.” (2)

सभापति जी यहां पर हजारों की तादाद में ऐसे लोग हैं जो टैम्पोरेरी लीज पर वर्षों से बैठे हुए हैं। कुछ तो 70, 80, 90 साल पुराने हैं और उन्होंने जो भी उस समय अथोरिटीज कन्सर्न्ड थी उनसे इजाजत लेकर मकान बनाये थे। बहुत थोड़ी सी लीज होनी थी, गरीब आदमी थे, अपना जेवर बेच कर कहीं से पैसा कर्ज ले कर छोटा सा कच्चा पक्का मकान बना लिया और उसमें 70, 80 साल से रह रहे हैं। आज मैं मंत्री जी से आश्वासन चाहता हूँ कि जो लोग इस तरह से अनअथोराइज्ड नहीं थे, बल्कि अथोराइज्ड तरीके पर बैठे थे, लीज के ऐक्सपायर हो जाने पर उनको उस तरह से अनअथोराइज्ड नहीं माना जाय जैसा कि उनको माना जाता है जो शुरू से ही अनअथोराइज्ड है। ऐसे लोगों के साथ उनका बर्ताव ऐसा होना चाहिए जो आज की हमारी पौलिसी के साथ मेल खाता हो।

उसी वक्त जो उनके पड़ोस में दूसरे लोग बैठे हुए थे, जो माली हालत में बेहतर थे, उन्होंने थोड़ा प्रोमियम दे कर के फ्री होल्ड के मालिक बन गये। लेकिन छोटे आदमी इतना पैसा नहीं दे सकते थे कि फ्री होल्ड मकान वाले हो जाते। आज जब वे इतने सालों से बैठे हुए हैं, अपना सिर छुपाने के लिए जगह बना ली, ऐसे जो टैम्पोरेरी लीज वाले हैं, किसी की एक महीने की लीज होती है, किसी की तीन साल की और किसी की 20 साल की लीज होती है, ऐसे लोगों के बारे में अथोरिटीज की मर्जी की बात है कि वह एक लेंटर भेज दें कि आप की एक महीने के बाद लीज ऐक्सपायर

हो गयी, अब आप अनअथोराइज्ड हो गए। तो ऐसे लोगों को इस तरह से अनअथोराइज्ड बनाना मैं समझता हूँ ज्यादाती होगी। मैं मंत्री जी का शुक्रगुजार हूँ जो उन्होंने कहा कि जो अनअथोराइज्ड कालोनीज बन गयी दिल्ली के अन्दर वे अगर मास्टर प्लान के कनफ्लिक्ट में नहीं आती तो उनको मानने की कोशिश की जायगी। लेकिन जिस टर्म के अन्दर यहाँ पर अनाथराइज्ड कालोनीज लाई जाती है, यहाँ पर शहर के अन्दर सदर बाजार में, पहाड़ी धीरज में बहुत से पुराने लोग बैठे हुए हैं जो टेम्पोरेरीज लांज दे कर के बनाये थे उनका भी क्या उसी तरह से ध्यान रखेंगे और अगर मास्टर प्लान के कंट्रैक्ट में नहीं आता तो उनको 1947 की बेसिस पर प्रीमियम ले करके उनको परमेनेंट लीज देने के लिए तैयार होमे ? इसलिए मैंने यह संशोधन रखा।

SHRI I. K. GUJRAL : I am glad my hon friend has brought it to my notice. Mr Bade also brought it to my notice. I can promise that I will look at it with sympathy. Our policy would be not to displace persons unnecessarily. Unless it is very much in flagrance of the master plan, people who have been there for ages will not be displaced unnecessarily. I hope Mr Chawla will be able to bring those cases to me. I promise to look into them with sympathy and compassion.

MR. CHAIRMAN : Are you pressing your amendment ?

SHRI A. N. CHAWLA : No.

MR. CHAIRMAN : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

Amendment No 2 was, by leave, withdrawn.

MR CHAIRMAN : There are no amendments to clauses 6 to 20. I will put them together.

The question is :

"That clauses 6 to 20 stand part of the Bill."

The motion was adopted.

Clauses 6 to 20 were added to the Bill.

Clause 1—(Short title, extent and commencement)

SHRI SHASHI BHUSHAN : I beg to move :

Page 1, lines 6 and 7,—

omit "on the 16th day of September, 1958 except sections 11, 19 and 20 which shall come into force" (4)

सभापति जी, यहाँ पर यह कहा गया है कि किसी भी गजटेड आफिसर को जिसको मुनासिब समझेंगे उसको रख देंगे। मेरा संशोधन है कि कम से कम उसे न्याय का ज्ञान हो और 10 साल का अनुभव हो, और वह जनता के लिए कमिटेड हो, वह गरीब अमीर का अन्तर समझ सके जैसा कि मैंने पहले कहा था वह पब्लिक काज के लिए कमिटेड हो गरीबों के साथ न्याय कर सके, ऐसा नहीं कि राजाओं को न्याय दिला दिया और बैंक के मालिकों को दिला दिया। ऐसे अफसर जो कमिटेड हो जनता के लिए और हमारे समाजवादी दृष्टिकोण के प्रति कमिटेड हो उनको रखा जाए, यह मैं प्रस्ताव करना हूँ।

श्री आइ. के. गुजराल : सभापति जी, जिस चीज की तरफ ध्यान दिलाया है शशि-भूषण जी ने, मैं उन्हें एक बात का यकीन दिलाना चाहता हूँ कि जो ऐस्टेट आफिसर अप्पाइंट किये जाते हैं वे बुनियादी तौर पर ऐसे लोग किये जाते हैं जो कानून को समझते हैं और कानून का ज्ञान रखते हैं क्योंकि उनकी क्वलीफिकेशन प्रचारिटी होती है। मुकम्मल

[श्री आर्क्ष. के. गुजराल]

तौर पर ऐसे आदमी हमें मिल जायें जिनको 10 साल का कानून का नजुर्बा हो, यह मुक्ति का बात होगी।

जहाँ तक कमिटमेंट का ताल्लुक है, कमिटमेंट तो मैं कर सकता हूँ और वह मेने की है कि यह कानून गरीबों की मदद के लिए इस्तेमाल किया जाएगा उनके खिलाफ इस्तेमाल नहीं किया जाएगा। मुझे उम्मीद है, मेरी कमिटमेंट को शोशभूषण जी मान लेंगे।

श्री शशि भूषण : बहुत से अफसर वेस्टेड इंटरैस्ट के आ जाते हैं।

श्री आर्क्ष. के. गुजराल : इस कानून में कोई वेस्टेड इंटरैस्ट आने की खास बात नहीं है। जो आदमी भी ऐसी जगह बैठेगा जिसको कानून की दृष्टि से वहाँ से हटना चाहिए, वह हटाया जाएगा। इसलिए कमिटमेंट इस बात का होना चाहिए कि जो आदमी ऐसी जगह बैठना है जिस पर उसका हक नहीं है, उसे हटाया जाय। इस किस्म की कमिटमेंट उस अफिसर की होनी है जो कानून को डिस्टेंस-विद करता है। उसकी कमिटमेंट कानून के साथ होगी, कानून की स्पिरिट के साथ होगी और दूसरे न्याय के साथ होगी। न्याय देने की कमिटमेंट बहुत जरूरी है इस क्षेत्र में।

MR. CHAIRMAN : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

Amendment No. 4 was, by leave, withdrawn.

MR. CHAIRMAN : The question is :

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI I. K. GUJRAL : I move:

"That the Bill be passed".

MR. CHAIRMAN : The question is :

"That the Bill be passed".

The motion was adopted.

16.26 hrs.

INTERNATIONAL AIRPORTS AUTHORITY BILL

THE MINISTER OF TOURISM AND
CIVIL AVIATION (DR. KARAN SINGH):
Sir, I beg to move :

"That the Bill to provide for the constitution of an authority for the management of certain aerodromes whereat international air transport services are operated or are intended to be operated and for matters connected therewith, be taken into consideration."

Sir, I submitted the hon'ble Members of the House when I was replying to the debate on my demands that civil aviation is rapidly becoming one of mankind's pre-dominant activities, and in the last two decades there has been a breath-taking revolution in air technology as a result of which, whereas previously civil aviation was used only by a very very small section of humanity, today more and more people are flying. In fact, the number of passengers who fly every year, I think, is as high as three to four crores throughout the world, and more and more international tourism is developing through the medium of civil aviation. India is on one of the crucial geographical cross-roads of the world and a nation of our size and importance must have international airports that are truly upto the highest international norms.

Sir, the problem of airports keeping pace with aviation developments is not only one with which we are faced in India, but indeed is a global problem. I myself over the last so many years have travelled extensively and found that this problem is there with each country. I do not think any country, however, rich, is today fully prepared to meet the new requirements of aviation because with the introduction of

so-called jumbo jets and with supersonic aviation round the corner the numbers involved are becoming so vast that airports find it very difficult to keep pace with the requirements. It was for these reasons, Sir, that as soon as I took over in 1967 I appointed international airports committee a high-level committee which went into the entire gamut of the problem connected with the international airports and made a series of extremely valuable recommendations. These recommendations fall into various categories. There are the financial recommendations. There are the technical recommendations with regard to the runways and with regard to the terminals, and there are the administrative recommendations. The problem before us is as to what form of administration is best suited to run these international airports, and the Committee felt and we in Government agreed that a Government department with all the restrictions which necessarily flow from a Government department is not really the best mode for this. We would require some special organisation which has flexibility and the capacity to deal with the constantly changing problems of aviation without being cabined and confined all the time by rigid rules and regulations. After thoroughly studying the recommendations of the Committee we came to the conclusion that a statutory authority to man our four international airports would be the best form of organisation for this purpose.

After doing that we studied very carefully the experience in other countries. Many other countries where airports where airports have developed recently, have also gone in for special autonomous structures in order to manage them. I can quote some example, if that is necessary.

We have, therefore, after carefully considering all aspects, come forward with a comprehensive piece of legislation which I would commend to the House. As you know, Sir, we are planning a major investment international airports. The provision for the current Plan is Rs. 37 crores and for the Fifth Plan it is likely to be very much bigger, because I want the international airports in India to be as good as, if not better than, any airports elsewhere in the world. For this reason we feel that this very progressive and useful

piece of legislation that we are bringing forward will help considerably to make the organisational structure upon which the new airports can be developed.

With these words I would like to commend the Bill for consideration by the House

MR CHAIRMAN : Motion moved :

"That the Bill to provide for the constitution of an authority for the management of certain aerodromes whereas international air transport services are operated or are intended to be operated and for matters connected therewith, be taken into consideration."

SHRI SHIVNATH SINGH (Jhunjhunu):
Sir, I move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 29th October, 1971." (1)

SHRI DASARATHA DEB (Tripura East) : Mr. Chairman, since we are developing this industry and in course of time the international civil aviation industry is bound to develop in our country, we must have some separate arrangement for running civil aviation at the international level. With this view I generally appreciate this Bill but I want to make certain remarks and raise certain objections to some of the clauses. I think, the Minister should consider them.

In clause 3 it is said that this International Airports Authority of India is to be appointed by the Government. I want it to more democratic. This should be appointed or elected by Parliament; it should not be left to the Government alone. If the entire thing is left in the hands of the Government, some people who are their like-minded people may be appointed and the same bureaucracy will continue there. The functioning of this corporate body may not develop then.

Then, why should the Chairman be appointed by the Central Government? After the constitution of that corporate body, the Chairman must be elected by the members of that corporate body. We are

[Shri Dasratha Deb]

following this principle at least in other organisations. Why should the same principle not be followed here ?

Thirdly, clause 6 say that if the permanent Chairman is temporarily absent, some other person may be appointed to function on behalf of the Chairman. This is a very bad thing. Why should we not be specific and fix up a certain person here, call him Deputy Chairman or something like that ? In that case, it will be convenient to conduct this Committee. Otherwise, you have to wait for some time and all sorts of things are there. One should be very specific about it.

Regarding salary and other things, I think there should be certain rules and regulations to fix up these things. Whether this Bill provides that I do not know. If it is there, then it is all right. The people who will be employed there, these employees, must enjoy certain guarantees and other things in regard to promotions, etc. There must be a specific service conduct rules for those employees.

Another point is that clause 12 (4) does not provide any guarantee about the trade union right. You are taking away their trade union right. You do not have any provision for their being and conduct rules and, thereby, you are taking out their trade union right.

Lastly, clause 17(b) and (c) read :

“(b) for the amenities given to the passengers and visitors at any port, heliport or airstrip ;

(c) for the use and enjoyment by persons of facilities and other services provided by the Authority at any airport, heliport or airstrip.”

You are trying to charge them extra. Why are you charging these fees ? The passenger's fare is there. You are charging the fare. Now, for food and other things, you are going to charge fees. I think, it is an additional burden on passengers. This should be deleted.

DR. KAILAS (Bombay South) : Mr. Chairman, Sir, I welcome and support the International Airports Authority Bill.

There can be no two opinions that India should shine on the international map of aviation. Specially, with the vast scientific development in the construction and size of the aeroplanes which are moving with faster and faster speed, it is but natural that India should have modern and comfortable air terminals and there should be maintained very well. More so, today we have got 90 airports in India and 4 international airports at Delhi, Bombay, Calcutta and Madras. I was thinking or dreaming that there should be one more international airport either at Nagpur or Hyderabad. We are, perhaps, going to have one more international airport. Hence it is but natural that Dr. Karan Singh who is a competent Minister for Tourism and Civil Aviation has thought of creating a statutory body to be known as the International Airport Authority.

We are having so many statutory bodies and they are under the control of the Government or run by the Government. But when this Authority is being created to determine and advise the Government on the action required to be taken to provide these international airports with buildings, equipment and facilities to cater to the needs of passengers and goods traffic and such other related matters, if we are going to have a Chairman without sufficient knowledge of running this Authority or without the knowledge of financial matters or a Chairman who has no faith in running this Authority in such a manner as to become a model or a prize for this country, the whole purpose of creating such an Authority will be defeated. I have got some experience of appointing person without much considerations. I do not want to cast aspersions on any Chairman of other statutory bodies but I can say that they have not been able to deliver the goods because the Government has appointed either an IAS or an ICS officers. He must be a person who has complete faith in the development of our international airports.

I want to draw the attention of the Minister that in clause (3) of sub-section 3, you have said that the membership shall be 13. I do not want to have this top-heavy

administration. Instead of 13, it should be 9 only. For the minimum, we are going to have 6. I am proposing that the numbers should be 9 and not 13.

Another thing I want to draw the attention of the Minister to is that it has been mentioned to have part-time members also. My experience has been very very sad. In the name of part-time members, the Secretary of the Department goes and sits and bosses over the Board of Directors or even on the Chairman and disturbs the whole work of the institution. Hence, this clause providing for a part-time officer or a part-time members should be deleted. But, I can understand the difficulty of the Minister. When we are starting this Authority, to begin with, he may not find a person with some experience and knowledge to man it. So he may like to put on it somebody from the Air India who is experienced and who will be able to deliver the goods. But I want a categorical assurance from the Minister that such an officer should not be kept in that Authority which we are creating for more than the period necessary, so that this authority is made to stand on its legs soon when these persons are sent back and no more part-time members are created.

Before I sit down, I would like to draw the attention of the Minister to one thing more I read in this Bill. In clause 3 sub-clause (6) it has been stated.

"During the temporary absence of the Chairman, the Central Government may appoint another person, being a whole-timer to act as the Chairman."

It is not necessary that a person who is a whole-timer in the authority should be named as chairman. If these words are deleted, Government will be free to choose a person who can act as Chairman till they appoint another Chairman or during the absence of the Chairman. With these words I support the Bill and I thank you for allowing me some more time.

SHRI S. M. BANERJEE (Kasur) : The Minister may reply on Monday. This is a long Bill containing 49 clauses. It can't be passed today.

MR. CHAIRMAN : No. He will reply today. You may please speak, if you want.

SHRI S. M. BANERJEE : I support the Bill. Let me congratulate the Minister for changing the complexion of the airports at Delhi and Dum-Dum. When we go to Delhi and Dum-Dum it gives the feeling that we are heading towards more air services in India. It gives glimpses of Indian culture which attracts tourists as they go round the country. This particular Bill is brought forward in accordance with the recommendation of the committee headed by Shri JRD Tata. According to the Statement of Objects and Reasons, the recommendations of the Committee would involve an estimated total expenditure of Rs. 106.12 crores—Rs. 63.56 crores to be spent in the Fourth Plan (1969-74), Rs. 35.54 crores in the Fifth Plan (1974-79) and the balance of Rs. 7.02 crores to spill over to the Sixth Plan. So, Sir, we are passing a legislation which will go to the Sixth plan. I do not know what is going to happen in the Sixth plan. Anyway, I support the Bill.

The Corporation should not become a white elephant, and I am sure, under the supervision of our able hon. Minister, this Corporation will look to the welfare of the general passengers and their conveniences. Shri Deb brought to the attention of the hon. Minister a particular clause. This is Clause 12 (4) which says :

Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the absorption of any employee by the Authority in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

That means he shall not have any particular claim because of this clause. We are trying to make the employees happy and we are trying to work this like a joint family between Government and employees, and so this clause which is pernicious in nature should be done away with. I would request the Minister to give a second thought to it and see that such clauses are withdrawn.

[Shri S. M. Banerjee]

I agree with Mr. Deb and also with my hon. friend opposite who spoke in regard to vacancies of Chairman. His absence should not be filled by any one. That will be something wrong. The board of directors should be authorised to elect the chairman. Otherwise, there is already a whispering campaign going on throughout that the Government may bring in some defeated politician as the Chairman of the corporation. I am not against defeated politicians; some of them were very excellent, in fact, better than those who had won elections. But the general trend should not be to bring in those persons. Once the board is properly elected and properly constituted, it should be left to the board to elect a chairman of their choice. I am sure that the board in its wisdom will elect the correct man and that man who can deliver the goods.

As regards the other clauses, I would like to speak on them when they are taken up. But I would like to have one assurance from the hon. Minister. What will be the position of the Authority in regard to the other airports? What is the hon. Minister is going to do with the other airports? For instance, take the case of Madras. I think it is not being done in the case of Madras at present.....

DR. KARAN SINGH : It is being done.

SHRI S. M. BANERJEE : I am happy to know that. Apart from that, there are some other airports.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : For instance, Kanpur

SHRI S. M. BANERJEE : I know that Kanpur cannot be an international airport. It is not even a national airport. Only one plane is going there, and even the plane which is going from Delhi to Calcutta does not stop there. So, I do not speak of Kanpur at present. I shall take up that issue later on.

But the point is that there are certain airports which can be developed as international airports. I would like to know from the hon. Minister, while giving my full support to this measure, what he proposes

to do in regard to those airports which can be developed as international airports. I know that he would like to convert every airport into a beautiful airport, into an airport of attraction for the tourists so that they would like to visit this country again and again and this will definitely give us more foreign exchange. I wish him all success in this direction.

श्री शशि भूषण (दक्षिण दिल्ली) : सभापति जी, मैं माननीय मंत्री जी को मुबारकबाद देता हूँ, खासतौर से इसलिये कि उन्होंने ने राज महलों से ज्यादा अधिक सुन्दर इन एयरपोर्ट्स को बनाया है। आप तो आध्यात्मिक राजा हैं, लेकिन जो आप ने रंगीले राजा का सैम्पल बनाया है वह बहुत पोपुलर सारी दुनिया में हो रहा है।

जो बोर्ड बना है उस से एक फायदा तो यह है कि इस में ब्यूरोक्रसी ज्यादा दखल नहीं देगी। अभी क्या होता है कि जैसे दिल्ली एयरपोर्ट का जो इंचार्ज है जिस ने बड़ी मेहनत से काम किया उस को कहीं और भेज देंगे और जूनियर को उठा कर ऊपर रख देंगे। तो दो, तीन एयरपोर्ट्स में जो सीनियर लोग रहेंगे उन की कद्र रहेगी।

जब नया संस्थान बनाते हैं तो एक दिक्कत हो जाती है कि टेक्नीशियन्स, इंजीनियर्स नये लाये, और जो पुराने काम करने वाले हैं वे पीछे रहा जाते हैं। पिछली बार रेडियो प्रीपरेटर के सिलसिले में जो दो हाज़ार मील तक की खबर रखता है उस को बन्द कमरे में रखा जाता है और जो 200 मील की खबर रखता है उस को इंजीनियर होना चाहिये, इस के कारण नये नये लोग आ गये। तो जो पुराने ऐक्सपीरियेंस्ड लोग हैं लोग हैं और टेक्नीकली किसी से कम नहीं हैं उन को पीछे न रखा जाय।

जो डायरेक्टर्स हों, मैं तो हमेशा ही कहता हूँ कि वे पब्लिक कौज़ के लिये कमिटेड हों।

यह ब हो कि उन को एक नई वादशाहत मिल जाय। ऐसा न हो कि जो रिटायर होने वाला हो उस को भेजे। और अगर कोई सरकारी कर्मचारी जाना भी चाहता है तो कम से कम लीट कर जल्दी न आये। वहा पाच, दम माल काम करे, ताकि भारत के नाम को ऊचा कर सके क्यो कि आजकल जो अंतर्राष्ट्रीय मेराडाम हैं वह एक लिडकी होते है सारे देश की एक बिडो होते है और सारे देश की स्थिति को बता सकते है। कई लोग आपके देश मे नही आते है, ऊपर से गुजर जाते है, वे भाके ते उन्हे पता लगेगा कि हिन्दुस्तान एक महान राष्ट्र है और इमव का इतना अच्छा एयर - पोर्ट है।

दूसरे जो एग्रीडूम है, जो वहा सरकारी कर्मचारी काम करने है, उनकी यूनियन को मान्यता देने को हमेशा महत्व देते है। अगर उनके भी प्रतिनिधि एकाध आप बोड मे ले सके तो बहुत अच्छा होगा। जो पाइनेट्स और इजीनियर्स के प्रतिनिधि है उनको भी बोर्ड मे लिय जा सके तो अच्छा होगा। इसका समर्थन करते हुए मैं आपका धन्यवाद देता हू।

श्री अटल बिहारी वाजपेयी सभापति जी, यह विधेयक काफी महत्वपूर्ण है किन्तु उसके अनुसार चर्चा के लिए समय पर्याप्त नहीं है। हमारे अंतर्राष्ट्रीय विमान पक्ष नया रूपा, रंग, साज-सज्जा धारण कर रहे हैं। इसके लिए तो हमारे मंत्री बर्बाई के अधिकारी हैं। लेकिन इस अधिकरण के गठन के बाद इस बात की आवश्यकता रहेगी कि उसे ससद् के नियंत्रण में, ससद् की देखभाल में किस तरह से प्रभावी किया जा सके। हम बड़े पैमाने पर स्वायत्त अधिकरणों का गठन करते जा रहे हैं और ससद् के लिए सम्भव नहीं है कि उनके दिन प्रति दिन के प्रशासन में दखल दे। किन्तु इसके दुष्परिणाम भी सामने आ रहे हैं कि वे ससद् के नियंत्रण के

सर्वथा मुक्त हो रहे हैं और और उन के बारे में प्रश्न, उनका प्रतिवेदन ससद् के सामने आना, उसे चर्चा के लिए उपस्थित किया जाना, उसके लिए ससद् पर्याप्त समय पाये, इस बात की कठिनाई अधिकाधिक बढ़ती जा रही है मे चाहूंगा कि श्रौटोनोमी और पार्लियामेंट के लिए टेकाउन्टेबिलिटी इनमें कोई सामंजस्य निकाला जाय। इस तरह की अघारिटी या अधिकरण के गठन से किसी का मतभेद नहीं हो सकता। लेनिन मुझे लगता है कि यह विधेयक बनाते समय पता नहीं हमारे विधि मंत्रालय ने किसी पिटी लक्ष्मीर पर चलने का प्रयत्न क्यों किया। उदाहरण के लिए सारे सदस्य सरकार द्वारा मनोनीत होने वाले हैं। फिर भी क्राज 4 में कहा गया है—

"A person shall be disqualified for being appointed as a member if he— (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude, or (b) is an undischarged insolvent "

क्या सरकार के बारे में आशंका है कि इस तरह के व्यक्ति नियुक्त करेंगे ?

डा कर्ण सिंह : नियुक्ति के बाद अगर उनका दिवाला पिट जाये तो ?

श्री अटल बिहारी वाजपेयी : क्या आप ऐसे सदस्य नियुक्त करने वाले हैं कि नियुक्ति के बाद उनका दिवाला पिट जाये ? यह तो अधिकरण के लिये अच्छी शुरुआत नहीं होगी। मे सम्भ्रता है कि भविष्य के लिए ऐसा प्रबन्ध करना ठीक है कि इसे विधेयक में लाने की आवश्यकता नहीं थी।

• एक बात में और कहना चाहूंगा कि अन्तर्राष्ट्रीय परिवहन जिम गति से बढ़ रहा है, हम भी अपने यहाँ जम्बो-जेट ले आये हैं,

[श्री अटल बिहारी वाजपेयी]

मगर अन्तर्राष्ट्रीय हवाई अड्डों पर सामान उतारने की अभी पुरानी पद्धति है, उसमें अभी तक परिवर्तन नहीं हुआ है। बम्बई से दिल्ली आना, यह कम समय खाता है बजाय इसके कि हवाई अड्डों से सामान लेकर अपने घर पहुंचे। यद्यपि दिल्ली के हवाई अड्डों पर कुछ घूमने वाली एक चरखी लगाई गई है, मगर वह बहुत समय लेती है। रंगई, पुवाई, सजावट, इसके साथ ही साथ कुछ फुर्ती, कुछ चुस्ती, जिस गति से हवाई जहाज चलते हैं उमी गति से सारा काम हो और सामान के लिए लोगो को अधिक प्रवृत्ति न करनी पड़े, इस दृष्टि से कम से कम अन्तर्राष्ट्रीय हवाई अड्डों पर तो सुधार करने की आवश्यकता है। हमारे मित्र श्री बनर्जी ने ता कानपुर की बात नदी कही—शायद वह शर्मा गये, लज्जा—मगर कानपुर का हवाई अड्डा तो मुझे लगता है हमारी भारतीय विमान सेवा के नाम पर धब्बा है।

आप को कुछ और पूछना चाहता हूँ। जो इमारत बनी है उस पर 70 हजार रुपये खर्च किया गया है।

17 hrs.

सभापति महोदय मैं ने देखा है।

श्री एस. एम. बनर्जी : आप ने देखा है, फिर भी कहा नहीं।

श्री अटल बिहारी वाजपेयी : आप अन्तर्राष्ट्रीय हवाई अड्डों के लिए प्रयत्न कर रहे हैं यह बहुत अच्छा है। दिल्ली का हवाई अड्डा देखने लायक है। मैं ने क्वालालम्पुर का हवाई अड्डा देखा है। हमारे हवाई अड्डों सचमुच अच्छे होने चाहियें। अगर इस के लिए कुछ खर्च करना पड़े तो मैं नहीं समझता कि संसद किसी तरह का परहेज करेगी और आपको पन देने में और सुरुचिपूर्ण काम के लिए कम से कम सभी तारीफ करेगी।

श्री शशि भूषण : क्वालियर के हवाई अड्डे

के बारे में तो कुछ कहिये।

श्री अटल बिहारी वाजपेयी : क्वालियर से आप भी आते हैं और मैं भी आता हूँ। क्वालियर का हवाई अड्डा इतना बुरा नहीं है जितना कानपुर का है। मैं चाहूंगा कि यह अधिकरण ठीक तरह से काम करे और सफल हो, तथा जब उस की पहली रिपोर्ट आये ससद् के सामने और हम उस का लेखा-जोखा मिलायें तो हम कह सकें कि अधिकरण के गठन का प्रयोग सफल हुआ है और अधिकरण अपने हवाई अड्डों की देख-भाल करने में पूरी तौर से सफल हो सकेगा। इस आशा के साथ मैं इस विधेयक का समर्थन करता हूँ।

श्री नवल किशोर सिंह : (मुजफ्फरनगर) सभापति महोदय, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। यह खुशी की बात है कि हमारे देश के चार विमान पत्तन अन्तर्राष्ट्रीय विमान पत्तन के रूप में घोषित हैं और निरन्तर उनके उद्धार के लिए कोशिश की जा रही है। कुछ दिनों पूर्व तक तो प्रवन्धना यह थी कि दिल्ली और दमदम हवाई अड्डों पर भी ग्टायरिंग रम नहीं थे। अब मुझे विश्वास है कि मंत्री महोदय की देख-रेख में, इन चार विमान पत्तनों की उन्नति होगी और तरक्की होगी।

यह भी विचार उत्तम है कि इस के लिए एक स्वशासी निकाय बनाया जाये। इस तरह के कार्यों में सरकार के रोज ब रोज के हस्तक्षेप से मुक्त करना बड़ा आवश्यक है, मैं जानता हूँ कि इस सरकार के नियम इस प्रकार के हैं, वित्तीय नियम, विभागीय नियम, जिन के कारण बहुत से काम ज़िम समय पर होने चाहियें वह उस समय नहीं हो पाते हैं। यही नहीं, हम मानते हैं कि व्यावसायिक बुद्धि, प्रबन्ध-कुशलता एवं प्रतिभा संसद् और नौकरशाही के संघर्ष के बाहर भी मौजूद है। हमें उनका उपयोग करना चाहिए।

जहाँ स्वशासी निकाय बन जाते हैं और वे बहुत हद तक कार्य करने की स्वतन्त्रता रखते हैं और विशेषकर व्यापारिक क्षेत्रों में, बहुत सफल होते हैं, अगर उन का प्रबन्ध ठीक हो।

13.11 hrs.

[DR. SARADISH ROY in the Chair]

संसद् से इन स्वशासी निकायों का क्या सम्बन्ध हो, यह प्रश्न विषयव्यापी है, और संसार के किसी भी देश में आज तक पूरी तरह से इसका निपटारा नहीं हो सफा कि संसद् और यह स्वशासी निकाय का आपस में क्या सम्बन्ध हो। लेकिन एक अन्तर्राष्ट्रीय निष्कर्ष, इंटरनेशनल कॉमेन्स इस मामले में हो गया है जो इस प्रकार है कि जहाँ तक नीति और बड़ी बड़ी बातों का प्रश्न है, वहाँ संसद् की देख-रेख होनी चाहिए, लेकिन जहाँ तक दिनानुदिन कार्यों का सम्बन्ध है, उसमें संसद् का हस्तक्षेप कम से कम होना चाहिए। लेकिन यह दुःख की बात है कि हमारे देश में संसद् का हस्तक्षेप न होने के कारण भी कुछ बुराइयाँ आती हैं। लेकिन जब मैं यह सोचता हूँ कि कहीं संसद् का हस्तक्षेप इतना न बढ़ जाय कि स्वशासी निकाय का कोई अर्थ ही नहीं रह जाय तो मुझे थोड़ी चिन्ता होती है। क्योंकि इसमें कोई शक नहीं कि कई दृष्टियों से यह स्वशासी निकाय बड़े उपयोगी होते हैं। जब मैं इस दृष्टि से इस विषयक पर विचार करता हूँ तो देखता हूँ कि इस में ऐसे प्रावधान हैं, दुर्भाग्यवश, जो स्वशासी निकाय के उद्देश्य को असफल करते हैं।

अगर आप इस विधेयक को पढ़ें तो मेरी गिनती से चौदह या पन्द्रह जगहों पर सेंट्रल गवर्नमेंट आती है। सिविल ऐविएशन डिपार्टमेंट ही नहीं है, जहाँ जहाँ सेंट्रल गवर्नमेंट है वहाँ वित्त विभाग भी है और मंत्रिमंडल भी है। अगर सभी क्लॉज में वित्त विभाग और मंत्रिमंडल हो तो मुझे इस प्राधिकार के स्वतन्त्र रूप से कार्य

करने में कुछ शक है। मैं मंत्री महोदय से अनुरोध करूँगा कि वह इसके सम्बन्ध में सोच लें। मुझे ज्यादा तजुर्बा उनका है। एक प्राधिकार का सभापतित्व एक बार मैंने भी किया है अपने राज्य में। उसका कुछ अनुभव मुझको हुआ है। स्वशासी निकाय स्वतन्त्रतापूर्वक कैसे काम कर सकेगा यदि कदम कदम पर सरकारी हस्तक्षेप होगा। वह कितना असहाय अनुभव करेगा जब सेंट्रल गवर्नमेंट का ही सारा अधिकार रहेगा। उसके क्या अर्थ होंगे और क्या कंसिक्वेन्सिस होंगे, इस पर अगर चाहें तो मंत्री महोदय एक बार फिर विचार कर लें। क्या स्वशासी निकाय बनाने का सारा उद्देश्य ही विफल नहीं हो जायगा।

श्री एस. एम. बनर्जी ने एक बात क्लॉज 12(4) के सम्बन्ध में कही है। इसी के किसी सब-क्लॉज में यह प्रावधान है कि कोई सरकारी कर्मचारी अगर नहीं रहना चाहे इस प्राधिकरण के अन्दर तो उसको जबर्दस्ती नहीं भेजा जा सकता है। उसको कोई दूसरी जगह दी जा सकती है। लेकिन जो कर्मचारी प्राधिकार के लिए आया आउट करता है तो उसको दंड नहीं दिया जाना चाहिए। इस तरह का कि उसको इंडस्ट्रियल डिस्प्यूट एक्ट के अन्दर सुविधायें मिलने वाली हैं उसे उनसे वंचित कर दिया जाय। श्री बनर्जी और श्री देव की बातों में मुझे कुछ तथ्य दिखाई देता है। इसके सम्बन्ध में मंत्री महोदय चाहें तो पुनर्विचार कर सकते हैं।

दो एक बड़े मजदूर मुकाबला आ गये हैं। एक यह है कि आयोगिटि के सदस्यों को संसद् बुलने और दूसरा यह कि जो सदस्य सरकार द्वारा बुलने जायें, वही अपना अध्यक्ष चुन लें। योगियों को साधना के मार्ग में एक हद तक पहुँचने पर ब्रह्म और माया में कोई फर्क नहीं मालूम होता है वैसे ही कभी-कभी संसद् सदस्य सोचते-सोचते

[श्री नवल विशोर सिंह]

एक ऐसी जगह पहुँच जाते हैं जहाँ उन्हें लोक तन्त्र और तानाशाही में कोई फर्क मालूम नहीं होता है। जिस आयोगिटी के सरकार के द्वारा सदस्य मनोनीत होंगे उसको यह अधिकार दिया जाए कि वे अपना अध्यक्ष चुनें, इसके बोर्ड माने नहीं होत हैं। इसलिए मैं इसका विरोध करता हूँ। मैंने जो कुछ सुझाव दिए हैं अगर मंत्री जी चाहे तो उन पर विचार कर सकते हैं।

क्लाज 3 में सब क्लज 3(सी) में कहा गया है

"not less than six and not more than thirteen"

नोट्स आन क्लोज़ 3 में यह कहा गया है

"not less than seven and not more than fourteen"

यह एक ऐसी बात है जो मेरी समझ में नहीं आई है। मुश्किल है मैं इसको समझ नहीं पाया हूँ। यह भी हो सकता है कि कुछ और हो। इसको भी मंत्री महोदय देख ले तो अच्छा होगा।

DR. MELKOTE (Hyderabad) I stand to congratulate the Minister and to support the Bill that he has moved today. Many persons have already spoken about the Bill and I have not very much to say except to mention two or three points.

Members have already mentioned that it is quicker to travel by air from place to place than to get the goods out at many of our airports and reach home. It is one of the greatest difficulties that we are experiencing. It takes more time than from going from place to another from one airport to another. This has to be avoided at all place, whether it is a small airport or an international airport. After all people pay through their nose and they travel by air with a view to cut short their travel time. If the airport delays negative this objective,

there is no purpose in travelling by air at all. I trust that the hon. Minister will take this into consideration and install conveyor belts as in other places so that goods may be taken out as quickly as possible.

Under clause 3 sub clause 3 (c) Government has to appoint 6 to 13 persons as members. It has not been stated who those members would be. I will only plead with him that there should be at least two members from Parliament elected to this body so that they may have a say in the whole matter and be able to help the Government in this matter.

The third thing that I would like to place before him is this. In the short period that the hon. Minister has been in charge of this Department we have seen a tremendous improvement not merely in the type of aircraft that we are getting but also in the convenience that he has created in many of these airport buildings, particularly in Delhi. But even so it is not sufficient. I am aware that the hon. Minister has travelled widely. The first time that I travelled by air was in 1941 during the World War when Tatas were running a mail service from Bombay to Madras and on to Singapore. That was exactly 30 years ago in November 1941. Since then the type of aircraft that we are getting and the type of convenience that has been created are simply tremendous. Even so in my travels to many parts of the world in 1953, 1955, 1965 and 1968 which took me to distant countries like Germany, Russia, Yugoslavia etc., and to cities like Frankfurt, Berlin, Geneva, Zurich, Brussels, Moscow etc., I have felt that those airports were simply superb. The days when Maharajas built palaces are gone. We are today building palaces for the benefit of the common people to help them in every possible manner. If one sees the airport in Berlin or Brussels, one would be struck by its magnificence and the type of convenience that have been provided. I would therefore, say that though the Delhi airport is very much better than what it was before, it falls very much short of what one would expect from international standards. If money is spent and spent properly and buildings are put up with a view to create this kind of convenience for international travelling, I am quite sure that many more tourists from foreign

countries will come to India for sight seeing, that the tourist traffic will increase and that the foreign exchange that we earn will also increase.

I do not have very much to say except again to congratulate the hon Minister and support the Bill that he has brought forward

SHRI JADEJA (Jamnagar) I rise to support the Bill and also to congratulate the hon Minister and his able Deputy who have brought forward this Bill

The earlier Committee which was set up and very few members It made several good recommendations, but Government took a long time to take a decision after the recommendations were made, and they implemented only some of the recommendations. In this jet age we cannot afford to delay matters where we have to be businesslike and compete with other airlines and other countries also. I would only request the hon Minister to consider some of the proposals which have been laid before him by several members today. I also support them that the number of members on this Committee should be more than in the previous Committee. The Committee should include people from the Immigration Department, Health Department, Police Department and Customs tourist Department.

SHRI SHASHI BHUSHAN : From the tourist Department also.

SHRI JADEJA : From the Tourist Department also, in fact from all the Departments with which the travellers and those concerned with airlines are directly or indirectly connected.

In the Bill it is mentioned that four airports are to be taken over by the corporation. But in a country like ours, which has tremendous potentialities for tourist development, which has a very wide area, considering areas like Gujarat where the inflow of passengers coming from Africa and the Middle-East is so much that instead of Bombay being the only airport at which they can call, an alternative site either at Ahmedabad or Jamnagar should be con-

sidered, which I am sure will lessen the burden at Bombay as well as allow us to have an alternative airport, which we have lost at Karachi.

I would disagree with those who have advocated that the members of the committees and also the Chairman should be elected by the Board, because this is a body which will have to be more businesslike. It will be the competence that will have to be considered, not the number of votes. One may be more popular and get the votes, but may not be competent. If the ministry can appoint competent people, it will be better. We should not bring in a democratic attitude everywhere because in a businesslike body, one should have a friendly feeling, not a competitive feeling with the others.

I congratulate the ministry and request them that this organisation which is to take over these four airports in the beginning should expedite their work and also reconsider the earlier proposals of the former committee and try to see that interference from outside quarters is avoided, so that the work may be quickened.

MR CHAIRMAN : The Minister

SHRI SHIVNATH SINGH : I have given amendments. I want to speak.

MR CHAIRMAN : Your name is not here. You may speak.

श्री शिव नाथ सिंह माननीय सभापति जी, मुझे आज इस बात की खुशी है कि सदन के नये रूल का मुझे ज्ञान कराया गया है कि जो अमेण्डमेंट सूच करता है, उस का आविर्भाव जब कोई बोलने वाला नहीं हो, तब प्रवक्ता दिया जाता है। इस नये सिद्धन्त की जानकारी के लिये मैं आप का आभार मानता हूँ।

माननीय सभापति जी, इस इन्टरनेशनल एअर पोर्ट अथॉरिटी बिल को पास कर के हम अपने देश में जितनी अथॉरिटीज़ प्राप्त कर सकें हैं, उन में एक नया नाम बढ़ाने का रहे हैं। इन अथॉरिटीज़ के बारे में आज तक हमारा

[श्री शिवनाथ मिश्र]

जैसा एक्सपीरियन्स रहा है, उस को सभी सदस्य जानते हैं। हम चाहते हैं कि जाटो-नामस-बाडीज बने और अच्छी तरह फंक्शन करें, लेकिन अब तक का हमारा जो एक्सपीरियन्स रहा है, वह उन के विपरीत रहा है। मैं माननीय मंत्री जी से निवेदन करूंगा कि आप एथारिटी जरूर बनाइए, हम उस बिज का स्वागत करते हैं, जितनी अटानमी मिले, वह ठीक है, मैं हम को पसन्द करना हूँ, लेकिन इन के ऊपर कोई रेस्ट्रिक्शन भी होनी चाहिए, चाहे इस मदन की हो या सारकार की हो। वे मनमाने ढंग से काम न कर सकें। हम आज यह देखते आ रहे हैं कि अटानमी नाम से वे जो चाहते करती हैं और उन पर कोई रेस्ट्रिक्शन नहीं है। यह बड़ी गलत बात है।

जहां तक इस बिल का सम्बन्ध है, सदन के सभी माननीय सदस्यों ने बड़ा है कि नेशनल ही नहीं, इंटरनेशनल इम्पोर्ट्स भी इस में आती हैं। दसवीं भावना में मैंने यह अमेडमेन्ट पेश किया था कि इस बिल को आज ही पास करने की कोई जरूरत नहीं है बल्कि सोच समझ कर बाद से भी हम इसको पास कर सकते हैं—पहले हम इसपर पब्लिक ओपिनियन ले ले, अलग-अलग बाडीज की ओपिनियन ले ले और फिर बाद में शर्तों से सोच समझ कर पास करें। आज के बजाये अगर एक महीने बाद भी इस बिल को हम पास करते हैं तो कोई फर्क नहीं पड़ने वाला है। मंत्री जी इस बात को मान लें तो अच्छा, न मानें तो भी अच्छा।

इस बिल के मातहत जो आप एथारिटी बना रहे हैं उस के संबंध में मैं दो तीन बातें निवेदन करना चाहता हूँ। इस बिल की जो क्लॉज तीन हैं उस में आपने एथारिटी का

कास्टीट्यूशन बताया है कि एक चेयरमैन होगा, एक सिविल एविएशन का अफसर भी होगा और 6 से लेकर 13 तक दूसरे मेम्बर्स होंगे लेकिन इसमें आपने वही पर भी एम्प्लाइज का रिप्रेजेंटेशन नहीं रखा है। मैं आपसे निवेदन करना चाहता हूँ कि सिविल एविएशन में जो हमारे एम्प्लाइज नाम करन हैं उनको भी काफी एक्सपीरियन्स हाता है और हमारे इस बिल के मतभेद को पूरा करने की दिशा में वे बहुत अच्छे सुझाव दे सकते हैं। इस सम्बन्ध में मुझ में कई रिप्रेजेंटेटिव्स भी मिले हैं और उन्होंने यह सुझाव रखा है। इसलिए मैं समझता हूँ अगर उनको भी दममें रखते हैं तो उससे आपको फायदा ही होगा, कोई नुकसान होने वाला नहीं है। हमारी यह पालिसी भी है कि सैनेजमेन्ट में हम एम्प्लाइज को रिप्रेजेंटेशन देना चाहते हैं और हमको हम बेसिक चीज समझते हैं। ऐसी स्थिति में मैं निवेदन करना चाहता हूँ कि जहां आप 6 से 13 तक मेम्बर्स रख रहे हैं उनमें अगर आप एम्प्लाइज का रिप्रेजेंटेशन भी रख लेते हैं तो जो भी उनकी तरफ से वहां पर आयेगा वह इस मस्यौदे के बेटरमेन्ट के लिए ही सुझाव देगा क्योंकि उनको भी इस सम्बन्ध में काफी एम्पगिन्स प्राप्त हैं।

दूसरे—क्लॉस 23 (1) और (2) मैं आपने एथारिटी को पूरी छूट दे दी है। आप एथारिटी बनावे और वह अच्छा काम करे यह बात सही है लेकिन आज हम इंडियन ऐयर लाइन्स का जो हाल देखते हैं कि पहले जब वह प्राइवेट हैड्स में होती थी तो मुनाफा कमाती थी लेकिन आज वह घाटे में चल रही है और इसका कारण यह है कि जो लोग चलाने वाले हैं उनको कामशियल बेसिस का अन्दाज़ नहीं है। वे एक्सपेंडीचर बढ़ाते जाते हैं। एक्सपेंडीचर बढ़ना चाहिए, आप एरोप्लेन्स को सुन्दर बनायें और वहां पर सारी सहूलियतें पैदा करें लेकिन यह नहीं होना चाहिए कि पब्लिक मनो पर बीज

उड़ाई जाये और उसको कामशियल वेसिस पर न चलाया जाये। आपने इस क्लाइ के जरिए से उनको बारी करने का अधिकार दिया है और इसके दूसरे सब क्लाइ मे सरकार ने उस पैसे की सारी जिम्मेदारी अपने ऊपर ले ली है— मैं समझता हूँ यह बात ठीक नहीं है। आप एक बार उनको सकीशिएंट मनी दे दें, उनके डेवलपमेंट के लिए पैसा दे दें लेकिन आप जो रुपया दे उसपर वे अपनी अनिग्रह से प्राफिट दिखायें और उसमें घाटे की जिम्मेदारी सरकार पर नहीं होनी चाहिए।

एक बात और निवेदन करना चाहता हूँ। एयारिटी में ऐसे आदमियों को रखा जाये, जैसा कि अभी मेरे पूर्ववक्ता महोदय ने कहा कि जिनको सोशललिज्म पर विश्वास हो और जोकि पब्लिक के लिए कमिटेड हों। आज हम देखते हैं कि बड़े-बड़े आइ सी एस को रख दिया जाता है। यह व्यूरोक्रैसी मैं समझता हूँ इस काम को आगे चलने नहीं देगी। इसलिए यदि आप एयारिटी में ऐसे आदमियों को रखेंगे जिनका एक्सपीरिएन्स हो और जोकि पब्लिक के लिए कमिटेड हों तो उनसे इस सभ्यता को लाभ पहुँचेगा।

अन्त में मुझे एक बात और निवेदन करनी है। एरोड्रोम में काम करने वाले एम्प्लॉईज के लिए जो बस्तियाँ बनती हैं वह बहुत दूरी पर बनती हैं जिससे उनको आने जाने में बड़ी असुविधा होती है। इसलिए मैं चाहता हूँ कि पुलिस के या जो भी एम्प्लॉई एरोड्रोम पर काम करने हैं उनके लिए नजदीक ही कोलोनीज बनाई जाए और उनके आवागमन के साधन होने चाहिए क्योंकि इससे उनमें एक्सिएन्सी बढ़ेगी और बर्किंग भी अच्छी रहेगी।

एक बात और कह कर समाप्त करना कि आपने एयारिटी को कुल पाबंद दे दी है—जो भी

चाहे वे करें लेकिन मैं समझता हूँ एयारिटी के डिमीजन्स को गवर्नमेंट रिबाइज कर सके—इस प्रकार का प्राविजन इसमें होना चाहिए। उनको पूरी एटानोमी न देकर सरकार के नियंत्रण में रखना चाहिए और पार्लमेंट के प्रति सारी जिम्मेदारी होनी चाहिए और पार्लमेंट डायरेक्टिव दे सके इस प्रकार का प्राविजन इसमें जरूर होना चाहिए ताकि उनपर पूरा कंट्रोल रखा जा सके।

अन्त में मैं एक बार पुनः निवेदन करना चाहता हूँ कि सभी माननीय सदस्यों ने यहाँ पर ऐसी राय जाहिर की है और दूसरे रिप्रेजेंटेटिव्स के सुझाव मेरे पास आये हैं इस लिए इसमें बहुत जल्दी न करके अगर उचित समझें तो इसको पब्लिक ओपिनियन के लिए सकुलेंट कर दें और फिर आगे आने वाले समय में इसको पाम कर दिया जायेगा।

DR KARAN SINGH Sir, may I at the outset say how grateful I am to hon Members for the very generous remarks that they have made with regard to the work of this Ministry? I think they have been particularly indulgent because in the four years since this Ministry came into being, this is the first Bill that I am bringing before the Lok Sabha. In any case, I can assure the House that I am deeply encouraged by the generous remarks that they have made, because there is nothing more encouraging for somebody who is trying to serve the public interest than some appreciation.

Some very valuable points have been made in the course of this debate. I have noted them down and will go into them one by one as far as I can with your permission.

Shri Deb suggested that the Board be elected by Parliament. I do not think it is possible. After all, the whole Government is responsible to Parliament and if Parliament in any way decides that the Government does not any longer have its confidence naturally the Government itself cannot continue. Therefore, it is not a really a practicable proposition.

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Also, I may point out that aviation is a Central subject. Several other Members also asked why the Central Government was all the time coming into the picture. It is because this is a direct responsibility of the Government of India under the Constitution. Therefore the Government of India must retain its authority to give whatever directions and to make whatever key appointments that may be necessary.

I think this question which the hon. Member Shri Atal Bihari Vajpayee has raised, of a balance between autonomy and accountability, is to my mind one of the most important questions which we have to face. If the balance is upset, if for example there is too much accountability, then also the free functioning of these public sector corporations gets completely restricted and inhibited. On the other hand, it is obvious that there cannot be irresponsibility. Parliament is ultimately sovereign and, therefore, the Government and the public sector corporations must be accountable to Parliament. It is for this reason that we have laid down that although it is going to be an autonomous corporation, the reports will be laid before Parliament and the Government will have power to sanction the budget. We have tried to bring about a proper correlation between the two. But, as I say, this is a matter which we have got constantly to keep in mind.

One point has been raised with regard to clause 12(4). I would like to clarify the point. At present these employees are members of the Civil Aviation Department. Obviously, it is from among the present employees that the employees of the Corporation will mostly be chosen. Nobody is going to be forced to go to this Corporation against his will. We have specifically provided that it is only after they agree voluntarily to be absorbed in the Corporation that they will be absorbed. But we have got to safeguard that, when they are absorbed, they do not become liable to get any gratuity under the old Act. In other words, once they voluntarily agree to be absorbed, they will get all the advantages of the new terms and conditions and all the protection which will be available to them.

SHRI S. M. BANERJEE : May I remind that in regard to the employees transferred to the Food Corporation of India when it was constituted, a Bill was purposely brought to see that their interests are safeguarded ?

DR. KARAN SINGH : We will certainly make sure that their interests are safeguarded. There is no question of their interests being adversely affected. Once they go to the Corporation, they will get all the trade union rights that are due to them and they will get full protection of the laws of the land as far as trade union activities are concerned. This is merely a formality, so that when they cease to be employees of the Department and move on to the Corporation, there will not be overlapping and duplication. I can assure the House, there is no question whatsoever of the rights of the employees in any way being adversely affected ; in fact, if anything, I feel that this will open the path for a large number of employees to better their prospects in the new Corporation.

My hon. friend, Shri Dasaratha Deb, also mentioned about the question of charges which the Authority may make. I may point out to him that in fact, these charges are a major source of income all over the world. The passenger ticket goes to the airline. That has got nothing to do with the Authority. Therefore, the Authority charges landing fees and various other fees and the whole complex, the book shops, the barber shops, taxi stands, etc., is going to be run on a commercial basis. This is the practice all over the world. In fact one of the points of this legislation is that these airports should become commercially viable. That is not really possible in the normal set-up of a Government department. Therefore, they will certainly have these charges. But these charges will be in no way unusual charges, and will be paid by any person whenever he travels anywhere in the world. Throughout the world, the international airports have certain charges.

Dr. Kailas and others mentioned as to why additional international airports could not be added in addition to these four. The honourable House will see that clause 11 itself says, it applies "in the first instance", to these four. This has not been brought out in the debate, but you may recall that

there are other airports in India where international flights are there. For example, Amritsar—there is the Kabul flight; Varanasi and Patna—there is the Nepal flight; Trivandrum and Trichy—there is the Ceylon flight. There are airports where international flights are there. But we felt because these four major airports really required immediate attention, for the time being, these four will be there. If later on we feel that this pattern is very successful and there is a real demand or a justifiable case for adding some other airports, we can certainly do so in due course.

As regards the choice of the Chairman and the Members, this matter has been raised by the hon. Member, Shri S. N. Singh, Dr. Kailas and others. Certainly, we have got to be very careful in the choice of our Chairman, particularly for a new Corporation which is going to lay down, as it were, the pattern of functioning for the future. I can assure the House that we will be extremely careful in the choice of the fair to say that all persons belonging to the IAS will not act in the interest of the public sector. After all, the IAS people are also recruited from amongst our own boys. They are young people like ourselves who can work. Therefore, I do not think it would be fair to rule out any particular category.

I may clarify there is no question that Secretaries to Government are to be appointed on the Board. That is a clear-cut decision that we have taken that Secretaries to Government will not be appointed on the Board.

One hon. Member raised the question as to why there should be so many Members on the Board. There will probably be the four heads of these four international airports. Then, there will have to be the representatives of the Indian Airlines, the Air India, the Air force, the D. G. C. A. who is an ex-officio Member, the Finance Ministry and also Tourism. So you will see that we require a little flexibility, because we want that all necessary interests involved should be represented. It is for this reasons that we have said, not less than 6 and not more than 13 which would make a maximum of 14, including a Chairman. Many of them will be naturally part-time people. After all, we know we are not go-

ing to get full-time men from the Indian Airlines, the Air India and so on. So, we have kept a mix of part-time and full-time people. I can assure the House that in the formation and appointment of the Chairman and Members of the Board, we will certainly keep in mind very carefully all the factors that have been mentioned in this debate.

SHRI S. M. BANERJEE : What about workers' representative ?

DR. KARAN SINGH : The question of works' representative was raised by hon. Members, Shri S. M. Banerjee, Shri Shashi Bhushan and others. This matter has been under the consideration of the Government. Certain norms have been worked out and, certainly, we will fall in line with those norms. If it is a practicable proposition and if it falls within those norms which have been accepted between Government and labour, I personally would be very happy to have a representative of the employees on it. I do not want to give an assurance. I am not sure whether it does fulfil.....

श्री शशि भूषण : एल. आई. सी. ने यूनियन का प्रतिनिधित्व किया है, हिन्दुस्तान स्टील मजदूरों के संगठन का प्रतिनिधित्व करने जा रहा है; हमारी सरकार की कमिटेड पॉलिसी है, अगर एग्जॉरेश भी नहीं दे सकते ?

DR. KARAN SINGH : That is why I say, I will certainly examine this matter very carefully and if it can be done without any difficulty, I for one am in favour of it. As a part of the Government policy, we shall certainly keep this suggestion also in mind.

श्री शिवनाथ सिंह : अगर सोलह मेंबरों में से एक प्रतिनिधि एम्प्लोयीज का कर दें तो कोई फर्क नहीं पड़ता है, रुपये के सोलह आनों में से एक आना ही तो फर्क पड़ता है।

डा. कर्ण सिंह : कोई फर्क नहीं पड़ता।

As regards the point raised by Shri S. M. Banerjee about voluntary absorption and all that, I have already mentioned that

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a Chairman will have to be there for legal purpose also, not merely for presiding over a certain meeting. That is why there is a clause in this Bill, clause 3(6) which says that due to the temporary absence of the Chairman, we may have to appoint somebody. Later, with your permission, I would like to move a small amendment in this merely to say that we may appoint another Member to act as Chairman, not necessarily another whole-time member. The man we may appoint may be a part-time member who may be fairly senior. I feel we will have to have this because if there is no Chairman, there may be some legal lacuna.

In the context of international airports Kanpur has put in an unexpected appearance and it has come in for adverse comments both by the Shri S. M. Banerjee and Shri Atal Bihari Vajpayee. I must admit to a sense of embarrassment in this. My understanding is that improvement works in Kanpur are going to start, and in any case immediately after this debate is over, I will go and see what top priority can be given to Kanpur.

SHRI S. M. BANERJEE : By my constant request I got the Rajdhani Express stopped at Kanpur and also got 10 seats reserved for Kanpur. Why not you do something for the Kanpur airport?

DR. KARAN SINGH : Shashi Bhushanji talked about the question of Directors. I have already covered that, that the Directors should be those committed to the policy of the Government. That really goes without saying. It is very important that this should be done.

Hon. Shri Vajpayee raised, as I said, the very basic problem of the co-relation between autonomy and accountability. It is in fact for this reason that I may point out that the Tata Committee had recommended that it should be a joint stock company which would not have needed an Act of Parliament. But the Government specifically said that this would not be correct because this is such an important matter. We, have therefore, come up specifically for a statutory authority for the

very purpose that the Parliament will get the opportunity to debate the working of the organization, to ask questions with regard to the organization and to question the Minister and hold the Ministry fully responsible for the work of this autonomous Corporation. It was for this reason that we went against the recommendation of the Tata Committee for a joint stock company which we could have done without coming to Parliament.

A question Atalji, Dr. Melkote and others raised is the question of delay in baggage delivery. What is happening is that baggage delivery has not slowed down, but the planes have been speeded up considerably. Because previously the planes took considerable time to cover the distances but the baggage was delivered quickly. Now the planes cover the distances in no time and it looks as if there is delay in delivery of baggage. But the irritation is certainly there, and I entirely agree that this is something where something should be done. We are introducing faster and faster planes now. So the demand for quick delivery of baggage will grow. One point Dr. Melkote mentioned is about conveyor belts. Not only the conveyor belts, it is really the design of the whole airport that matters. Although the interim modifications we have done in Delhi, in Bombay and in Madras are only interim in the existing terminals, we intend to build completely new terminals in these airports. And I may point out also that Dr. Melkote has said that there are palatial buildings in Europe and in North America. What has happened to these palatial airport buildings? They have become marble and glass mausoleums, because they were built for prestige and they were built in such a massive manner that by the time they were completed they have become completely out of date and, therefore, you will find that in all these great airports in Europe even before they were completed, they have to start modifications. We do not want to make the same mistake. Not only do I want to move on the principle of maximum flexibility, but we want really to have a break-through in airport architecture. This is a matter on which I do not want to take very much time of the House unless the Members are interested. The point is that the average age of a generation of planes is about 10 years. Every ten years a new

generation of planes comes in. And yet, buildings are designed for 100 years. The result is, there is a tremendous lag and buildings, which today may look very beautiful and very attractive but within 5 or 7 years, get completely out of date. As a developing country we do not have the resources to waste upon these so-called prestige buildings which become out of date after some years. We will try to get the best minds in India and abroad for this work of airport designing. I want to make a break-through in airport architecture which will be significant not only for India but for the whole world, because, I know in many other countries a lot of money is wasted. We cannot afford to waste money; we are a poor country where millions still live below subsistence level. It is criminal on my part if I waste money, throw away money on prestige buildings. I can assure the honourable House that when we take up the design of these buildings we will always keep in mind the concept of maximum flexibility so that with each new development our airports can adjust themselves to the new requirements and I hope, with the blessings and good wishes of the House and of the hon. Members, we will realise this objective. Just as we, for the first time, made a break-through in city architecture in Chandigarh, here also we will be able to achieve a break-through in airport architecture.

Shri Singh raised the point that this may be circulated for eliciting public opinion. I am sorry this will not be acceptable for many reasons. Shri Jadeja mentioned that we are already behind schedule. And, between the time this Bill is passed and the Airport Authority comes into being, a lot of work will have to be done, particularly on personnel. Because what is involved is virtually bifurcation of the Department of Civil Aviation. A certain percentage—I am not sure whether it may be 20 per cent or 25 per cent.—of the civil aviation employees will have to go to the new Corporation. Naturally this involves a large number of problems which closely affect the interest of the workers and the employees. I will need about 6 or 8 months to work out all the details.

I hope the New Authority should come into being by the 1st of January, 1972, or at the very latest, by the 1st of April, from the

beginning of the financial year. After this Bill is passed here, I hope this will be passed in Rajya Sabha in this session, and there will be hardly 6 or 7 months to work out all the various details. I do not therefore see the point of circulating it for opinion. It will have to go to State Governments, it will have to go to Select Committee and all that. It is a matter where the Government of India and Parliament are directly involved. I do not think it will be really advantageous if this matter is postponed because we have already lost much time and I do not want to waste any more time in this regard.

SHRI S. M. BANERJEE : we represent public opinion.

DR. KARAN SINGH : I am thankful for hon. Members for the views expressed in this House. Between now and until the new Authority is set up, if any of the hon. Members have any idea to give or any suggestions to offer, I would be very grateful if they would take the trouble of writing to me and letting me have their suggestions in this regard. We are breaking new ground and we will require all the suggestions which may be available.

Mr. Singh said unfortunately that all public sector corporations were making loss all the time. This is not true. Air India, from 1953 from its inception, for 18 years, has made continuous profits. I don't think any other Airlines in the world has got this record. Even Indian Airlines have made substantial profits. For the year ending 31st March, 1971 it has lost, but it has made profits for two years before that. In those two financial years, it has made profit.

Then, some other hon. Members raised the question of residential accommodation. The employees of the Civil Aviation Department have often spoken with me about this.

I must admit that the situation is not satisfactory, because the civil aviation employees, whether they are of the department or the Authority, have got to work at the airports, and, therefore, there are certain special difficulties which they have to face. Of course, the international airports will probably have less difficulties, but the domestic airport employees have a lot of difficulties. We are behind our schedule in

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the construction of residential accommodation. I am looking into that general matter, as far as the international airports are concerned I have already said to my officers that we must give special consideration to residential accommodation. The noise problem have been mentioned, but I think that it is better for them to have accommodation with noise than to have no accommodation at all and to be in very great difficulty.

श्री शशि भूषण : पुलिस विभाग के, सिक्यूरिटी तथा कस्टम्स के, जो कर्मचारी यहाँ पर रात-दिन ड्यूटी पर रहते हैं, उनको भी मकान की सुविधा दी जानी चाहिए। वे बहुत दूर दूर से आते हैं।

डा. कर्ण सिंह : हम यत्न करेंगे कि ऐसे जितने भी कर्मचारी हैं, जिनका हमारे हवाई पत्तनो से सम्बन्ध है, हम उनके लिए कुछ प्रबन्ध करें। शायद यह सम्भव न हो कि हम हर एक को स्थान दे सकें, लेकिन हम सम्बन्ध में हम अवश्य विचार करेंगे और जहाँ तक सम्भव हो सकेगा, हम उनकी तकलीफ और कष्ट को, जिसको मैं भी समझता हूँ, दूर करने की कोशिश करेंगे।

With these words, I would again commend my motion for the acceptance of the House.

MR CHAIRMAN : Is Shri Shivnath Singh pressing his amendment ?

SHRI SHIVNATH SINGH : No, I beg leave of the House to withdraw my amendment. The hon Minister has accepted the principle of it but because of shortage of time he is not accepting it.

*Amendment No. 1 was, by leave,
withdrawn.*

MR. CHAIRMAN : The question is :—

"That the Bill to provide for the constitution of an authority for the

management of certain aerodromes whereat international air transport services are operated or are intended to be operated and for matters connected therewith, be taken into consideration".

The motion was adopted.

Clause 2—(Definitions)

MR. CHAIRMAN : There are no amendments to clause 2. I shall put clause 2 to vote.

The question is :

"That Clause 2 stand part of the Bill"

The motion was adopted.

Clause 2 was added to the Bill.

*Clause 3—(Constitution and *vice* portion of the Authority)*

MR CHAIRMAN : There are three amendments to this clause, but all the three were not received in time. However, as a special case, these are being allowed.

DR KARAN SINGH : I beg to move :

Page 3, line 4,—

for "another person, being a whole-time member," *substitute—*

"another member". (2)

As I mentioned in the course of my reply to the general discussion, this is a very small amendment. This is an amendment to sub-clause (6) of clause 3. It reads at present :

"During the temporary absence of the Chairman, the Central Government may appoint another person...".

I am suggesting that instead of another person being a whole-time member, we shall merely say 'another member to act as chairman'. It is a small amendment. I am sorry I did not think of this earlier, but I was a little late.

MR. CHAIRMAN The question is —

Page 3, line 4,—

for "another person, being a whole-time member," *substitute*

"another member" (2)

The motion was adopted

MR CHAIRMAN The question is

"That Clause 3, as amended, stand part of the Bill"

The motion was adopted.

Clause 3 as amended was added to the Bill

Clauses 4 to 41

MR CHAIRMAN There are no amendments to clauses 4 to 41

SHRI SHIVANATH SINGH I wanted to ask for some clarification on clause 23

DR KARAN SINGH I am sorry I forgot to cover that point This is with regard to the powers of borrowing mentioned in clause 23 As I have said, this is essentially a Government of India undertaking and with the representation on the board in the way in which it is done there is no danger of the board doing anything or borrowing anything which would be outside the approval of the Government of India This is a technicality which is essential, because very often, all these undertakings

have got to go to banks and various other agencies for loans So, this is a pure formality There is no question of giving any licence to the Authority Our members will be there, and if anything at all is done, which is not proper, we will take immediate action So there need be no fear on that account

MR CHAIRMAN The question is

"That clauses 4 to 41 stand part of the Bill"

The motion was adopted

Clauses 4 to 41 were added to the Bill

Clause 1 the Enacting Formula and the Title were added to the Bill

DR KARAN SINGH I beg to move :

'That the Bill, as amended, be passed'

MR CHAIRMAN question is

'That the Bill, as amended, be passed'

The motion was adopted

17 51 hrs

The Lok Sabha then adjourned till Five o'Clock on Monday, August 2, 1971/Sravana 11, 1893 (Saka)